FT
MEADE

JK 1359
63d.S7
W5
Copy 2

SIXTY-THIRD CONGRESS

CHARGES FILED BY JOHN P. GRACE

AGAINST

HON. RICHARD S. WHALEY

CONGRESSMAN ELECT FROM THE FIRST
CONGRESSIONAL DISTRICT OF
SOUTH CAROLINA

THE SECOND RECORD

Referred to Committee on Elections No. 1

WASHINGTON
1914

SIXTY-THIRD CONGRESS

CHARGES FILED BY JOHN P. GRACE

AGAINST

HON. RICHARD S. WHALEY

CONGRESSMAN ELECT FROM THE FIRST
CONGRESSIONAL DISTRICT OF
SOUTH CAROLINA

THE SECOND RECORD

Referred to Committee on Elections No. 1

WASHINGTON
1914

JK1359
63d
.S7W5
Copy 2.

D. OF D.
FEB 14 1914

CHARGES BY JOHN P. GRACE AGAINST HON. RICHARD S. WHALEY, CONGRESSMAN ELECT FROM THE FIRST CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ELECTIONS NO. 1,
Monday, December 15, 1913.

The committee this day met, Hon. James D. Post (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. Grace.

STATEMENT OF HON. JOHN P. GRACE, OF CHARLESTON, S. C.

Mr. GRACE. Mr. Chairman, before proceeding, I have with me two of the young men whose conduct has been impeached in the matter of taking these affidavits. Mr. Whaley, I see by the record, produced affidavits from some of our affiants alleging that their affidavits had been procured in some improper manner or by some improper means. First of all I want to introduce Mr. Cosgrove, the notary public before whom these affidavits were taken, for examination by the committee, or, if the committee will permit me, I will examine him myself.

The CHAIRMAN. I suppose this is your object: For instance, take pages 111 and 112. You will see that Mr. Whaley filed an affidavit purporting to be the affidavit of Robert Smart, which was sworn to before John I. Cosgrove, notary public. Now, he says he did not make that affidavit; he did not sign it at all.

Mr. GRACE. I have no such pages in my copy.

Mr. MCCLELLAN. There has been a new print.

The CHAIRMAN. I suppose your object is to show that Mr. Cosgrove made that affidavit?

Mr. GRACE. Yes, sir; and all the circumstances, showing that all these affidavits impeaching our affidavits have themselves been procured by fraudulent means. That is the purpose of this line of testimony.

The CHAIRMAN. The trouble about the matter is that we are getting into an endless chain.

Mr. GRACE. That, Mr. Chairman, is what I was afraid of in trying the matter by affidavits.

The CHAIRMAN. But, Mr. Grace, we can not try it in any other way unless you bring the witnesses here. You can subpœna the witnesses and bring them here.

Mr. GRACE. I have produced certain bona fide affidavits, and if this were true——

The CHAIRMAN (interposing). But you say they are bona fide, and Mr. Whaley has undertaken to show that they were not.

Mr. GRACE. Well. I want to show how he procured the affidavits; and if I do not show conclusively how he did procure these affidavits, that in itself is enough to warrant an investigation. But I will venture to say, Mr. Chairman, that this testimony is relevant.

Mr. STEPHENS. Where is the original affidavit—the one you claim Smart signed?

Mr. GRACE. Where is the original affidavit?

Mr. STEPHENS. Yes.

Mr. GRACE. Well, a great many of my affidavits are not published in the record, affidavits which Mr. Whaley replied to—for instance, the Darby Sands affidavit, a tremendously important affidavit, which Mr. Whaley replied to, and yet it is not published in the record.

Mr. FREAR. I have discovered that I have six affidavits that are not published in the record. The chairman asked for my affidavits, or copies of them, to put in the record. In the haste the other morning he had mislaid his, as I understand it, so I hurried to get mine and found six of them up in my desk. That is probably the explanation, and neither of us is to blame because I found them afterwards. But, as Mr. Grace says, they do not appear in the printed record. I do not know about the others.

Mr. GRACE. I would like to call the committee's attention to the Darby Sands affidavit, which is absolutely true from beginning to end and that proves corruption. The only way he impeaches that is by saying that Sands is a relative of mine. Now, about the Smart affidavit. I do not know where the original affidavit is. It must have been here or Mr. Whaley could not have gotten it.

The CHAIRMAN. It is printed.

Mr. GRACE. Well, I do not know where the original is.

The CHAIRMAN. They are all here.

Mr. FREAR. You mean the original?

Mr. GRACE. Yes.

The CHAIRMAN. The matter came about in this way: I took these affidavits home with me and overlooked them. Mr. Frear informed me that he had copies of them, and they were afterwards found.

Mr. FREAR. That is the way it comes about. They came in during your absence, in sections; sometimes three or four would be sent on by your clerk and I failed to attach them to the main body of them.

Mr. GRACE. Then, Mr. Chairman, may I have Mr. Cosgrove sworn?

The CHAIRMAN. The committee will consider the matter in executive session.

Mr. GRACE. Very well; I will leave these papers here.

Thereupon the committee went into executive session.

(The committee resumed its sessions.)

The CHAIRMAN. You are aware, Mr. Grace, that Mr. Whaley's counsel is here this morning?

Mr. GRACE. Yes.

Mr. J. P. K. BRYAN. Mr. Whaley does not consider it necessary to have counsel here, but it appears from the record that one member of the committee asked Mr. Whaley when he was before the committee last why he did not have a representative here. It was in response to that suggestion and to satisfy the suggestion of the committee that he asked that I should be present if there was any need. He himself does not think there is any need, nor do I, unless the committee desire it.

The CHAIRMAN. Mr. Grace, we have decided in executive session that you may use your witnesses strictly in rebuttal. Whom will you call first?

Mr. GRACE. I will call Mr. Cosgrove.

TESTIMONY OF JOHN I. COSGROVE.

The witness was duly sworn by the chairman.

The CHAIRMAN. You may proceed, Mr. Grace.

Mr. GRACE. Where were you born?

Mr. COSGROVE. Charleston, S. C.

Mr. GRACE. How old are you?

Mr. COSGROVE. Twenty-five years.

Mr. GRACE. Do you bear any relation to me?

Mr. COSGROVE. Not by consanguinity.

Mr. GRACE. I am your godfather?

Mr. COSGROVE. Mr. Chairman, Mr. Grace is my godfather.

Mr. GRACE. Where were you educated?

Mr. COSGROVE. I was a graduate of the College of Charleston in 1910, and of Georgetown University in June, 1913.

Mr. GRACE. Is this Mr. Bryan one of the trustees of the College of Charleston?

Mr. COSGROVE. So far as I know; yes, sir.

Mr. FREAR. Do you mean the attorney for Mr. Whaley?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. I just mentioned that fact because I want to identify the College of Charleston.

The CHAIRMAN. I understand the examination was to be confined to matters in rebuttal.

Mr. GRACE. I am simply identifying this young man and his life course.

The CHAIRMAN. Take the witness and drive right to the rebuttal, or we will take him.

Mr. GRACE. Mr. Cosgrove, you say you are a graduate of Charleston College?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. And you hold a degree?

Mr. COSGROVE. Bachelor of science.

The CHAIRMAN. That does not rebut anything.

Mr. GRACE. I take it to be that his character is in issue in this matter.

The CHAIRMAN. No.

Mr. FREAR. The charge is that this man signed that affidavit.

The CHAIRMAN. I understand that, but that does not put his character in issue. You can rebut that by stating facts that occurred when this man signed it.

Mr. GRACE. Would not the fact——

The CHAIRMAN. I am not going to argue the question with you, Mr. Grace. Proceed along the lines I have indicated.

Mr. FREAR. I move, Mr. Chairman, of record, that Mr. Grace be allowed to show the character and standing of this witness.

The CHAIRMAN. Is there any second to that motion?

Mr. FRENCH. I second the motion. I think that is fair.

Mr. STEPHENS. Just a moment before that motion is put. I do not understand he is asking anything about his character at all. He is asking what degree he received from college, and that does not indicate either good character or bad character. Merely because a man happens to receive a degree does not indicate anything with reference to his character. Some of the worst men I know are graduates from schools and universities.

Mr. FREAR. The declaration of the chairman that he must confine himself strictly to what is concerned in the affidavit is the object of my motion, and because he is not allowed to show the character of the witness.

Mr. STEPHENS. How can a man testify to his own character?

Mr. FREAR. That is not the line of question as to which the chairman ruled.

The CHAIRMAN. I thought we agreed this examination should be confined to strictly rebuttal testimony?

Mr. FREAR. It occurs to me the question of the character of the officer who took the affidavit is put squarely in issue.

The CHAIRMAN. You may take the witness and examine him on any line you desire.

Mr. FREAR. I do not know anything about the facts, but I am perfectly willing to do it.

(After informal discussion:)

Mr. GRACE. I will ask no further questions along that line. The witness had answered the question and I have not said a word since.

Mr. STEPHENS. I understand you are going to get down to the meat of this matter now?

Mr. GRACE. I will endeavor to get down to the meat of it; yes.

Mr. Cosgrove, after you graduated from the College of Charleston, where did you then go and what did you then do

Mr. COSGROVE. After graduating from the College of Charleston I came to Washington, D. C., where I worked for three years and attended the Georgetown Law School at night, where I was graduated in June of this year, after which I went back to my home at Charleston, S. C., and engaged in the practice of law, being associated with Messrs. Logan and Grace in the practice of law in Charleston.

Mr. GRACE. Are you a notary public?

Mr. COSGROVE. I am.

Mr. GRACE. While you were in Washington did you occupy any position of trust?

Mr. COSGROVE. I was financial secretary for the Boy Scouts of America and the Playgrounds Association under Mr. Arthur C. Moses as president.

Mr. GRACE. Has Mr. Moses notified you that he would be here in a few minutes to testify to your high character?

Mr. COSGROVE. He has so notified me.

Mr. GRACE. You expect him here every minute?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. What is that question?

Mr. GRACE. Mr. Arthur C. Moses will be here in a few minutes to testify to this young man's character.

The CHAIRMAN. Proceed.

Mr. GRACE. Mr. Whaley, in the course of his argument the other day, referred specifically to three affidavits, one of which was the affidavit of Mr. Fosberry, I think; but nevertheless the three affidavits impeach you in some respects as to the manner in which these affidavits were taken. Kindly go over those three affidavits and tell just how they were taken.

Mr. FREAR. Identify the affidavits to which you are referring.

Mr. GRACE. Mr. Fosberry's affidavit is at page 15. Mr. Whaley refers to it in his statement to this committee. At pages 51, 55, and 58 Mr. Whaley refers to the affidavit of Fosberry, Bazzar, and Nolan in this case; that those affidavits were obtained by coercion and force and from those who did not know what they were signing. They are the only three affidavits which Mr. Whaley specifically referred to in his remarks. Will you tell me, Mr. Cosgrove, as to how Fosberry signed his affidavit?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. Proceed.

Mr. COSGROVE. About 1.30, I think it was the last part of September or the 1st of October, Fosberry came to my office, which is on Broad Street, in Charleston, accompanied by Mr. Bresnihan. Mr. Bresnihan told me Fosberry wished to make an affidavit. He sat in my office. I examined him as best I could on the situation. I will call the committee's attention to the fact that I was not in Charleston during this primary, not returning until June to Charleston, so I knew nothing myself and had to get the facts from the witness or affiant who was brought to my office. After questioning him to develop the facts and draw them from him, I prepared the affidavit, which he signed, and which was witnessed by C. J. Bresnihan. So far as I am aware there was no offer made him, no threat, or anything whatsoever. He signed the affidavit and went out of my office. About 5 or 6 o'clock of the same day he came back to my office and said to me that those people whom he had implicated in his affidavit had heard that he had made this affidavit and were going to beat him up, and asked for protection. I told him he need have no fear; that if he told the truth he would be protected all right. He came back the next day——

The CHAIRMAN. Who was that, Mr. Cosgrove?

Mr. COSGROVE. Fosberry, the man who made the affidavit.

Mr. STEPHENS. Did he not make a second affidavit?

Mr. COSGROVE. He made an affidavit in rebuttal.

Mr. FRENCH. At pages 82 and 84.

Mr. STEPHENS. Does he deny making the affidavit?

Mr. COSGROVE. He says that he was intoxicated at the time he made the affidavit.

Mr. FREAR. When he made the first one?

Mr. COSGROVE. When he made the affidavit before me, and that he did not know what he was doing.

Mr. FREAR. At this point, may I ask if the affidavit was read to him?

Mr. COSGROVE. Yes, sir.

Mr. FREAR. What was his condition, apparently, as to sobriety?

Mr. COSGROVE. So far as I knew, he was absolutely sober. He himself gave me the facts on which I predicated the affidavit.

The CHAIRMAN. You have known Frank Fosberry how long?

Mr. COSGROVE. I never have known him; never had met him.

The CHAIRMAN. What business is he engaged in?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. Do you know anything about his character at all?

Mr. COSGROVE. I have heard of the Fosberry boy. I do not know if he is the same one living down in a very tough section of the city.

Mr. GRACE. I have his criminal record, and I have that here and certified to.

The CHAIRMAN. What is his criminal record?

Mr. GRACE. He has been arrested half a dozen times for drunkenness, disorderliness, and things of that kind.

The CHAIRMAN. Anything else other than drinking and disorderly?

Mr. GRACE. Yes, sir; he has been implicated in things, and——

The CHAIRMAN. What kind of things?

Mr. GRACE. Since this case started he cut his throat and has been in the hospital.

The CHAIRMAN. How did he come to cut his throat?

Mr. GRACE. If you want to go into that, I can say to you that he cut his throat because of the very situation we are telling about now.

Mr. FREAR. Through anxiety and fear?

Mr. GRACE. The most terrific conditions that ever existed on the face of the earth exist in Charleston to-day since this thing came up.

The CHAIRMAN. Is that all you have to say about Fosberry?

Mr. GRACE. He started to say he came up that afternoon.

Mr. COSGROVE. He came back the next day. He had been to my office in the morning and signed the affidavit. He came back in the afternoon and asked for protection. Each time he was perfectly sober. He came back in the morning after that, again asking for protection.

The CHAIRMAN. What did he say to you? You say he asked for protection?

Mr. COSGROVE. He told me these fellows he mentioned in the affidavit—Montanese and Donaghue and somebody else—were going to beat him up. I told him he need have no fear if he told the truth.

Mr. FREAR. What occurred on the second day?

Mr. COSGROVE. On the second day he came back and asked me for some money and I gave him 25 cents.

The CHAIRMAN. What did he say to you?

Mr. COSGROVE. He just came around and just dropped in like those fellows have a habit of doing—fellows of that class.

Mr. MCCLELLAN. Did anybody come with him?

Mr. COSGROVE. No, sir; he was by himself each time. I saw him the following day, and that was down to Mr. Grace's office. He was at the mayor's office when I went down there, and I said: "Fosberry is outside and wants some money; don't see him." Mr. Grace refused to see him.

The CHAIRMAN. How did he happen to come to you for money, do you know?

Mr. COSGROVE. I do not know, except that he had made the affidavit to me, but this was the day after he made the affidavit.

Mr. STEPHENS. Had you ever seen him prior to the time he came to make the affidavit?

Mr. COSGROVE. No, sir.

Mr. STEPHENS. Why did he come to you for protection? Are you a police officer?

Mr. COSGROVE. No, sir; I am a lawyer and associated with Mr. Grace in the practice of law.

Mr. STEPHENS. You are a member of Mr. Grace's firm?

Mr. COSGROVE. Yes, sir.

Mr. CRISP. Did he have any reason to believe that you had sufficient interest in the case to give him money because he had made an affidavit?

Mr. COSGROVE. I think not. I will state this point, sir, that I had taken 95 to 98 per cent of the affidavits for Mr. Grace and that Mr. Grace knew nothing of those affidavits until they had been taken. I myself worked up the evidence for most of them, visiting the people in town and out of town.

Mr. FREAR. These affidavits is the record?

Mr. COSGROVE. Most of the Grace affidavits; yes. Some of the people were brought to my office, and sometimes I went to their homes and sometimes I met them on the street. They were taken under all sorts of conditions and spontaneously from the other party, as I impressed on each one of them.

Mr. CRISP. It would not be spontaneous if you went and solicited the affidavit?

Mr. COSGROVE. I mean when I got them talking on the proposition. They did not come and offer to make an affidavit, but when I went to them and told them of these facts that I knew from investigation, implicating them. I got the affidavit.

Mr. CRISP. Who employed you to work up the case?

Mr. COSGROVE. I was not employed by anyone. It was just because of my association with Mr. Grace.

Mr. CRISP. How did this man Fosberry come to see you? Who brought him?

Mr. COSGROVE. Mr. Bresnihan.

Mr. CRISP. Was this gentleman, Mr. Bresnihan, employed to help work up the case, too?

Mr. COSGROVE. I do not know. I do not think he was employed. Mr. Grace has a number of friends in Charleston who are at all times ready and willing to help him in any matter, and it is just necessary for him to request those matters. But so far as employment goes, if that carries with it the idea of

compensation, I can truthfully say that I do not know of any who employed him. The services were gratuitous, so far as I know.

Mr. CRISP. Yours were?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. Go ahead, Mr. Grace.

Mr. GRACE. Mr. Cosgrove, Mr. Fosberry in this affidavit of rebuttal, in general terms, without referring to it, makes charges of drunkenness, etc. Do you know whether he was in that condition at that time?

Mr. COSGROVE. Absolutely, he was not.

Mr. GRACE. That there was anything in the nature of duress or any advantage taken of him in that respect?

Mr. COSGROVE. Absolutely; there was absolutely no advantage taken of him in any respect.

Mr. GRACE. As to Mr. Bazzar's affidavit——

The CHAIRMAN. What page of the record does his affidavit cover?

Mr. GRACE. Bazzar's affidavit is at page 8. His rebuttal affidavit is at pages 76 and 77.

Mr. Whaley says, Mr. Cosgrove, as to Mr. Bazzar's affidavit——

The CHAIRMAN. He says that Joseph La Torre paid more than six men about precinct 1, ward 5, $10 apiece.

Mr. GRACE. I am speaking now with reference to where Mr. Whaley impeaches that statement.

Mr. FRENCH. On page 76 there is an affidavit in which Bazzar testifies that he can not read or write English and that he did not make the affidavit originally presented.

Mr. COSGROVE. If you will pardon me, on page 58 of the record Mr. Whaley makes that statement.

Mr. GRACE. What statement does he make?

Mr. COSGROVE. "There is an affidavit"—speaking of Bazzar, I believe—"which says he was taken down to Grace's office: that he can not read and write English, all he can do is to sign his name; that he was taken down there and made to put his name to this paper, and he does not know what was in it. He absolutely denies the statement." That is Mr. Whaley's testimony.

Mr. FRENCH. I would like to have the witness state in detail what he knows of the Bazzar affidavit.

Mr. COSGROVE. Yes, sir. Bazzar came to my office one evening between 6 and 7 o'clock——

Mr. MCCLELLAN. Who was with him?

Mr. COSGROVE. I think Mr. Bresnihan was with him.

Mr. BRESNIHAN. No, sir; I met him down there.

Mr. MCCLELLAN. Was there anybody else, Mr. Cosgrove?

Mr. COSGROVE. No, sir; he was alone. I thought Mr. Bresnihan was there at the time and I thought he came with him. He was there at my office between 6 and 7 o'clock, and I questioned him in the same manner as I questioned all the others, as to what he knew and where he voted and where he had been on that day and what he had seen or heard or knew about. He gave me the facts which are stated in his affidavit. I read them back to him and I said, "Mr. Bazzar, this is the truth?" He said, "Yes. I am in a hurry to get home to my wife, because I am never out after 7 o'clock," and it was then near 7, I believe. I said, "All right; sign this." He signed the affidavit. It was in my office and it was a law office, and not the mayor's office, in which that affidavit was taken. Mr. Grace knew nothing about it, so far as I know.

The CHAIRMAN. Was anybody present when he signed?

Mr. BRESNIHAN. I was there.

Mr. COSGROVE. I do not know. Mr. Bresnihan came in.

The CHAIRMAN. Do not prompt the witness. He will take care of himself. You need not prompt him. We want his recollection about it.

Mr. COSGROVE. I recollect Mr. Bresnihan being there about that time, but whether he was present when he signed that affidavit or not I do not recollect.

The CHAIRMAN. When Bazzar signed the affidavit, was anybody present?

Mr. COSGROVE. I do not recollect.

The CHAIRMAN. How long did he stay in your office?

Mr. COSGROVE. He was there a half an hour or more. There was some one in my office when he came down there and he had to wait; I recollect that.

The CHAIRMAN. Did you have anybody witness the signature to the affidavit?

Mr. COSGROVE. I do not recollect, sir.

The CHAIRMAN. Do you know J. Kalett?

Mr. COSGROVE. No, sir; I do not.
The CHAIRMAN. Do you know W. Bazzar?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know J. La Torre?
Mr. COSGROVE. I know him when I see him.
The CHAIRMAN. Were any of those three men there when this man Bazzar signed?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Did you attach "Witness, J. Kalett, W. Bazzar, and J. La Torre." his affidavit?
Mr. COSGROVE. May I look at that affidavit and refresh my memory? As I recollect it, there were no witnesses.
The CHAIRMAN. It is not published; even your jurat is not printed.
Mr. COSGROVE. As I recollect it, there were no witnesses to those affidavits.
Mr. GRACE. You are referring to the wrong affidavit; that is Mr. Whaley's affidavit you are referring to.
Mr. COSGROVE. Mr. Bazzar's affidavit is on page 8—the one I took.
The CHAIRMAN. But the jurat and the witnesses are not attached there at all.
Mr. COSGROVE. No. sir. As I say, I do not believe there were any witnesses, so far as I recollect. I just recollect that just about that time I took any number of affidavits. It was about the last part of September or the first part of October.
Mr. FRENCH. Did Mr. Bazzar tell you when he came down for what purpose he had come there?
Mr. COSGROVE. Yes, sir; I knew he was coming down.
Mr. FRENCH. Who had advised you?
Mr. COSGROVE. Mr. Bresnihan had called me over the phone to say that Mr. Bazzar wanted to make an affidavit and made the appointment for him.
Mr. FREAR. What was his condition as to sobriety?
Mr. COSGROVE. He was perfectly sober.
The CHAIRMAN. You know Bazzar, do you?
Mr. COSGROVE. I had known him some years ago. I had not seen him for that time.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. He is employed by the city, I understand.
The CHAIRMAN. In what capacity?
Mr. COSGROVE. I think he is at the stables on Lime Street. He is employed by the city at the city stables on Lime Street.
The CHAIRMAN. Who appoints him?
Mr. COSGROVE. The mayor.
The CHAIRMAN. Mayor Grace?
Mr. COSGROVE. I think so.
The CHAIRMAN. What business was he engaged in before he received that appointment?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. How long did you say you had known him?
Mr. COSGROVE. I knew him when I was a boy, before I went away. I had been away from home for over three years in Washington, and I returned in June. He lives not far from where I live.
The CHAIRMAN. What do you know about his character?
Mr. COSGROVE. I do not know anything, except that he is a poor man; that is all. That is all I know about the Bazzar affidavit.
Mr. FRENCH. In the Bazzar affidavit, did Mr. Bazzar explain to you the full matters put forth in the affidavit?
Mr. COSGROVE. Yes, sir.
Mr. FRENCH. Was he prompted or assisted by anyone?
Mr. COSGROVE. I think not, sir.
Mr. FRENCH. Were you conversant with what he possibly would testify to?
Mr. COSGROVE. No, sir.
Mr. FRENCH. Did you know anything about what he would testify to?
Mr. COSGROVE. No, sir.
Mr. FRENCH. Aside from what is set forth in his affidavit?
Mr. COSGROVE. No. sir. As I stated, I was not in Charleston during either of the primaries and knew nothing at all of any facts.
Mr. FRENCH. Did you know from your telephone conversation with Mr. Bresnihan what he was going to testify to?

Mr. COSGROVE. No, sir. Mr. Bresnihan just telephoned that Mr. Bazzar was coming down to make an affidavit.

The CHAIRMAN. Proceed, Mr. Grace.

Mr. GRACE. What about the other affidavit? The Nolan affidavit appears at page 11 and the counter affidavit is on page 74. Tell us about the Nolan affidavit, Mr. Cosgrove, how it was taken and the facts leading up to it.

Mr. COSGROVE. The Nolan affidavit was taken about the last part of September, when the others were. I learned from his brother-in-law, William Shriber, that he had handled funds for Whaley in the primaries. I had had his brother-in-law take me to his, Nolan's, house, which is situated in the upper section of the city. It was about 10 or 11 o'clock in the morning. Nolan was not at home.

Mr. STEPHENS. Permit me to interrupt there. I do not see the relevancy of this particular testimony, for this reason: The second affidavit or counter affidavit does not contradict the first affidavit.

Mr. FREAR. That is my understanding.

Mr. STEPHENS. It simply explains how he used the money, so I see no use of cumbering the record on this proposition.

Mr. GRACE. May I suggest in this case that the reason I want to bring this out is that they went to this man's home and he actually showed the witnesses how he paid the money out.

Mr. STEPHENS. That is not in contradiction at all.

Mr. GRACE. He actually had a memorandum of everything he paid out.

Mr. STEPHENS. There is no controversy about that.

Mr. FREAR. No; there is no controversy about that.

Mr. GRACE. Mr. Whaley says he did not know anything about the paying out of any money.

Mr. FREAR. Do you connect that with Mr. Whaley here?

Mr. COSGROVE. I can do it, so far as I know. In Mr. Whaley's affirmative testimony before this committee he make the statement that these men signed these things without knowing they were signing. That is Mr. Whaley's statement.

Mr. FREAR. That is in regard to Nolan?

Mr. COSGROVE. Yes, sir.

Mr. STEPHENS. Where do you find that?

Mr. GRACE. That is on page 51, 55, or 58.

Mr. COSGROVE. It is on page 55, about the middle of the page. He says, "There is an affidavit here from a man named Nolan in ward 12. He comes forward and makes an affidavit in which he says that this paper was handed to him and he did not know what was in it; he read it over hastily and signed it."

Mr. STEPHENS. It is very evident that name is wrong there, because neither one of the affidavits made by Nolan contain anything of that kind. There is another affidavit of that character in here, but evidently Mr. Whaley confused the names.

The CHAIRMAN. He may have referred to the Smart affidavit.

Mr. STEPHENS. There is an affidavit where the man said he signed it without reading it, which is not the Nolan affidavit. Both his affidavits show on their face that there is nothing of that kind contained in them.

Mr. GRACE. Mr. Cosgrove, have you a letter with you from Prof. Harrison Randolph, of the College of Charleston?

Mr. COSGROVE. Yes, sir.

Mr. FREAR. Just a moment; let me ask a question along this line. What is there about this Smart affidavit?

Mr. GRACE. I do not know. Mr. Stephens asked about that.

Mr. FREAR. Is not that the one who swears he never signed at all?

Mr. GRACE. I am simply answering Mr. Whaley's impeachment so far as these affidavits are concerned.

The CHAIRMAN. We do not care anything about that. We heard Mr. Whaley's statement. We can determine the weight of that for ourselves.

Mr. FREAR. I want to learn the facts in regard to the signing of the Smart affidavit.

The CHAIRMAN. Before he goes to that, Mr. Frear, let me ask how long have you known this fellow, A. W. Reynolds?

Mr. COSGROVE. I never met him in my life until he signed that affidavit.

The CHAIRMAN. Where does he live in Charleston?

Mr. COSGROVE. I think he lives away up in the upper section of the city, in what is known as Factory Hill, from a bagging or cotton factory there.

The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know.
The CHAIRMAN. Does he run a blind tiger?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. You do not know anything about his character?
Mr. COSGROVE. Absolutely nothing.
Mr. FREAR. Attention was called to the Smart affidavit, and a claim by Mr. Smart that he never signed that affidavit? That begins on page 111.
Mr. FRENCH. The original affidavit appears on page 10.
The CHAIRMAN. Give us the circumstances under which you claim that Robert Smart signed that affidavit.
Mr. COSGROVE. Mr. Post, I have been thinking, but I am at a loss just as to the time and place of Smart. I do not even recollect him personally. I notice from the affidavit that it was signed on the 29th day of September, and if you will note, there are quite a number of affidavits which were taken on the same day. In fact, I was on the go from early in the morning on that day—I think it was Monday—until 11 or 12 o'clock at night, taking affidavits continuously from different people, being carried around from one place to the other. Many of those fellows, as I testified before, were unknown to me.
Mr. MCCLELLAN. You never saw them before?
Mr. COSGROVE. No, sir; I do not recollect them now.
Mr. MCCLELLAN. You do not know for a fact that those were the same men they represented themselves to be to you?
Mr. COSGROVE. So far as I know.
Mr. MCCLELLAN. You do not know it to be a fact?
Mr. COSGROVE. Oh, no. I could not swear that he was Robert Smart, because I never met him before.
Mr. MCCLELLAN. It may have been somebody else who represented himself to be Mr. Robert Smart.
Mr. COSGROVE. It is possible, but I hardly think probable, for the reason that these fellows were seen by people who knew them, and that is how I came to take the affidavits.
The CHAIRMAN. How do you know this fellow was seen by people that knew him, if you have no recollection of him at all?
Mr. COSGROVE. If I recollect, sir, it was either Mr. Hogan or Mr. Sargent who brought Smart to me or brought me to Smart. He lives uptown.
Mr. CRISP. Which Hogan is that?
Mr. COSGROVE. H. F. Hogan, who previously testified.
The CHAIRMAN. Where do you say this fellow Smart lives?
Mr. COSGROVE. I see by the paper that he lives on Cooper Street, which is away uptown.
The CHAIRMAN. Have you any recollection of him now?
Mr. COSGROVE. No, sir; I do not recollect him. I just met him at the time he was signing that affidavit.
The CHAIRMAN. Do you recollect meeting him?
Mr. COSGROVE. I recollect Smart signing the affidavit.
The CHAIRMAN. That is, you recollect somebody who purported to be Robert Smart signing the affidavit? Is not that the fact?
Mr. COSGROVE. Somebody, not himself, represented him to be Robert Smart, because each affidavit that I took, as I said, I was brought to the person or the person was brought to me by someone who knew him—personally known to the person who brought me to him.
The CHAIRMAN. How do you know that?
Mr. COSGROVE. These men—for instance, a man like Mr. Sargent or Mr. Hogan, who lives out in these wards and who knows every voter and probably every man in the ward——
The CHAIRMAN. You think Mr. Hogan is a reliable person, do you?
Mr. COSGROVE. I think so, sir.
Mr. FREAR. In other words, you do not think that Mr. Hogan and a man representing himself to be Mr. Smart, would both misstate the facts to you and both misrepresent who this party was who came before you to be sworn?
Mr. COSGROVE. I do not think so. If you will notice I will say this, Mr. Post, that there are many of these affidavits which are in ink, many of them written on the typewriter, and I think one or two of them in pencil.
Mr. MCCLELLAN. Then, as to a great many of these affidavits taken, you were not personally acquainted with the men?
Mr. COSGROVE. I will say that that is true of a great number of them.

Mr. McCLELLAN. And you took them simply on the hearsay statement of other people as being so-and-so? Is that the way you want me to understand you?

Mr. COSGROVE. He was taken to me or I was taken to him.

Mr. McCLELLAN. For instance, this gentleman says: "This is John Smart," and you swear him. Is not that it? He was brought to you and he told the story, and this man said, "This is John Smart," and that is all you know? Of your own personal knowledge you did not know any of these men that you swore?

Mr. COSGROVE. I knew a lot of them.

Mr. McCLELLAN. Is not that a fact?

Mr. COSGROVE. Of my own personal knowledge, I did not know most of these fellows, you mean?

Mr. McCLELLAN. Yes.

Mr. COSGROVE. I will qualify that by saying that I knew lots of these fellows to see them.

Mr. McCLELLAN. Then you did have knowledge that they were John Smart or John Doe?

Mr. COSGROVE. Yes, sir.

Mr. McCLELLAN. Then you knew?

Mr. COSGROVE. Yes.

Mr. McCLELLAN. I understood you to say you did not?

Mr. COSGROVE. No, sir. There were some instances where I found people living away uptown, out in the northwestern section of the city, who were not personally known to me.

Mr. GRACE. For instance, he said he knew Bazzar, one of the men here.

Mr. COSGROVE. And I knew Fosberry when I saw him.

Mr. McCLELLAN. That is all true, but he knew Bazzar and knew him by reputation, and still might not have had personal acquaintance and thought he might be justified; but the man that takes the affidavit from a man he does not know anything about is a difierent proposition.

Mr. COSGROVE. There are men in here where the men were not personally known to me, but on the other hand I will say that most of the men were men who wre personally known to me or I knew them at least by sight on the streets as being the parties who signed the affidavits.

Mr. GRACE. Please give me Prof. Randolph's letter. Prof. Harrison Randolph is the president of the College of Charleston, and Virginian by birth. Mr. Chairman. His letter reads as follows:

"To whom it may concern——"

The CHAIRMAN. What does this rebut?

Mr. GRACE. This is character evidence, Mr. Chairman.

"CHARLESTON, S. C., *December 13, 1913.*

"To whom it may concern:

"This is to certify that Mr. John I. Cosgrove was for four years a student in the College of Charleston, graduating in 1910 with the degree of B. S. Mr. Cosgrove served as my secretary for two years, and was assistant in mathematics in the College of Charleston from 1908 to 1910. He is a young man of strong ability, of sterling character, and of excellent habits.

"Respectfully,

"(Signed) HARRISON RANDOLPH.
"President, College of Charleston."

Mr. STEPHENS. Mr. Chairman, I am going to object to that letter going into the record, and I want to give my reasons for it. In the first place, the character of this man, Mr. Cosgrove, has not been attacked, and it is never competent to offer testimony to bolster up one's own witness or to show his good character until it is impeached. Then, again, this is simply a letter of recommendation, such as we frequently see, and I do not think, in any view of the case, that it is competent to be admitted as testimony in this matter.

Mr. FREAR. I would ask that it be made as an offer in the record because of the fact that we have accepted unsworn statements of Mr. Whaley and other witnesses here without question, which stands on a par with that letter were it not for the fact I believe it is immaterial.

The CHAIRMAN. The letter will not be considered, Mr. Grace.

Mr. GRACE. We could not bring Prof. Randolph himself, Mr. Chairman.

The CHAIRMAN. Proceed with the witness.

Mr. GRACE. You have read this record over?

Mr. COSGROVE. Yes.

Mr. GRACE. Has Mr. Whaley himself or any of these counteraffiants in any way referred to you as being under my domination or control or intimidated by me, or have they intimated anything to that effect?

The CHAIRMAN. The record is the best evidence of that.

Mr. GRACE. I want to see whether or not that is true.

The CHAIRMAN. You need not prove it by witnesses, because the record is always the best evidence.

Mr. FREAR. Does the record show it?

Mr. GRACE. My object is simply this: I do not know whether it shows it or not. If the record does do that, then I think it becomes the gist of this matter. If they have impeached his character, they have done it by intimation or innuendo, and that these affidavits were gotten by coercion. It is done somewhere in the record.

The CHAIRMAN. I have no recollection of that. You are pressing to the extreme limit in asking the witness as to what the record shows.

Mr. GRACE. I am only doing that for convenience.

The CHAIRMAN. Proceed, then.

Mr. GRACE. Does it show that, Mr. Cosgrove?

Mr. COSGROVE. Not so far as I know. The only thing in the record that impeaches my character at all is the denial of these men having made affidavits.

Mr. FREAR. That is for the men themselves to answer.

Mr. COSGROVE. And the statement by Fosberry——

Mr. MCCLELLAN (interposing). That does not affect you any.

Mr. COSGROVE. The statement of Fosberry is that he signed the affidavit before me and did not know what he was signing and was drunk at the time, as if I or someone else, or particularly myself, took advantage of him. There is nothing in this Whaley statement, so far as I know, which alleges that I am under the domination or control of Mayor Grace.

Mr. GRACE. That is all, Mr. Cosgrove.

The CHAIRMAN. Do you know Philip Fash?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. I think he runs a fruit store, and what is called a blind tiger in Charleston.

The CHAIRMAN. That is an open saloon in violation of law?

Mr. COSGROVE. Theoretically in violation of law.

The CHAIRMAN. Is it not practically in violation of law?

Mr. COSGROVE. Mr. Post, I have such strong opinions of that question that I would like to express them at this time.

The CHAIRMAN. Let us hear what you have to say on the blind-tiger question.

Mr. COSGROVE. The blind-tiger system, as it is called, has been in operation in Charleston practically since the dispensary law came into existence in 1892. During the administration previous to that now in office the system of licensing open violators of the law, commonly called blind tigers, was established, by which these men were allowed to operate in violation of the law and then brought up every two or three months and fined a certain amount.

Mr. STEPHENS. How much?

Mr. COSGROVE. Twenty-five or fifty dollars. I think it is now $50 every three months. Their names are called at the police station, and they either come up and give $50 or send it up. That is established custom and usage in Charleston, and sanctioned by the people of the city; and, as I say, has been in force there for so long as I can remember, and I think actually 8 or 10 years.

The CHAIRMAN. In other words, it has been in force so long that the custom overrides the positive provisions of the statute?

Mr. COSGROVE. Yes, sir. Our particular section of the State has been opposed to the dispensary law since its institution.

Mr. CRISP. As a lawyer, do you believe the municipality of Charleston has the right to defy a law enacted by the sovereign legislature of the State of South Carolina?

Mr. COSGROVE. It is not a question of right.

Mr. CRISP. I ask that question, and you say you have strong convictions, and you think by custom it is legal and right in Charleston?

Mr. COSGROVE. It is a question of expediency. It is a condition and not a theory that confronts us in Charleston.

Mr. CRISP. Does the city of Charleston charge for licenses for these blind tigers?

Mr. COSGROVE. A license in the shape of these fines.
Mr. CRISP. Police-court fines?
Mr. COSGROVE. Yes, sir.
Mr. CRISP. And you think because it is in vogue it is right?
Mr. COSGROVE. Yes, sir; I do.
Mr. FREAR. As a matter of information on that point, what is the purpose of so doing? Why is not a license charged? Is that by virtue of your law?
Mr. COSGROVE. Under the law of the State of South Carolina, the State has given the counties the right to vote on what is known as local option as a choice between prohibition or the dispensary system, and each county has a central dispensary, and the subsidiary retail concerns—I think there are 12 or 14 in Charleston—are allowed to sell liquor from sunrise to sunset, or from 6 to 6, in pints, or not less than half pints, not to be drunk on the premises.
Mr. GRACE. And they sell it to blind tigers?
Mr. COSGROVE. Those dispensaries sell it to the blind tigers.
Mr. FREAR. Do these dispensaries pay a license to the city or county?
Mr. COSGROVE. No.
Mr. FREAR. I mean under the law, a legal requirement?
Mr. COSGROVE. No; I think not. The profits from the dispensary——
Mr. GRACE. They are operated by the counties?
Mr. COSGROVE. They are operated by the counties, and the profit is distributed along certain lines, like education and roads.
Mr. CRISP. In South Carolina it is illegal to have any whisky any place except the dispensaries and they are open at certain hours, and it can not be sold in less than certain quantities or drunk on the premises.
Mr. GRACE. I have here, Mr. Crisp, the official records proving that Mr. Rhett, Mr. Whaley's brother-in-law, my predecessor, the man against whom I ran for the United States Senate, officially proclaiming this system. He is the man that established it.
The CHAIRMAN. That is not material here.
Mr. CRISP. It does not make any difference if 999 people out of 1,000 proclaimed it, it does not make it legal.
Mr. GRACE. I have taken the position he took, and this system I inherited from Mr. Whaley's brother-in-law.
Mr. STEPHENS. As I understand it, this is matter in rebuttal, and I asked that there be stricked from the record all reference by Mr. Grace to what Mr. Whaley's brother-in-law might have done while he was mayor of the city of Charleston.
Mr. FREAR. If that be true, I would strike it all out. All the record which has been taken on this subject which is for our information should be stricken out. This witness has nothing to do with those practices.
Mr. STEPHENS. I understand that, and I think most of it might be stricken out; but the interpolation of Mr. Grace——
Mr. FREAR. That was to show he followed the custom.
Mr. STEPHENS. It does not make any difference whether it is custom or not.
Mr. FREAR. No; neither is it permissible.
Mr. STEPHENS. Nor does that justify him.
The CHAIRMAN. Let us proceed, gentlemen. Do you know Victor Perry?
Mr. COSGROVE. No, sir.
The CHAIRMAN. You do not know him?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Who brought him to your office?
Mr. COSGROVE. I do not recollect whether the affidavit was taken at my office or some other place.
The CHAIRMAN. Do you know J. J. Hilton?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know F. Brandes?
Mr. COSGROVE. No, sir.
Mr. GRACE. He did not take the Hilton affidavit, did he?
The CHAIRMAN. Do you know John Aulberry?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I have known him—I never met him until the day he came in my office, but I have met him several times since.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I think he is on the grass gang, if I recollect, but I do not recollect.

The CHAIRMAN. What do you mean by the grass gang?
Mr. COSGROVE. The men employed by the city to clean the streets.
The CHAIRMAN. He is appointed by Mayor Grace?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. Do you know what he was doing before he was appointed on the grass gang?
Mr. COSGROVE. I do not know.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
Mr. FREAR. Was he running a blind tiger?
Mr. COSGROVE. Not that I know of.
The CHAIRMAN. Do you know that he was not?
Mr. COSGROVE. No, sir.
Mr. FREAR. I was asking the chairman; I did not know but what he had the record.
The CHAIRMAN. Do you know A. H. Brouthers?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. Just recently. I never knew him until he made the affidavit, but I have met him several times since.
The CHAIRMAN. Do you know in what business he is engaged?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know C. Conklin?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Lester Schwartzberg?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I guess I have known him a couple of months. I did not take his affidavit though.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know. I believe he is in the clothing business or something like that in the upper part of King Street.
The CHAIRMAN. Do you know of your own personal knowledge?
Mr. COSGROVE. No, sir.
The CHAIRMAN. That you do not know?
Mr. COSGROVE. No, sir.
The CHAIRMAN. You do not know anything about his character?
Mr. COSGROVE. No, sir: I know he is a very clean-cut looking fellow.
The CHAIRMAN. Do you know Frank Brylet?
Mr. COSGROVE. No, sir.
Mr. STEPHENS. That is spelled two ways—B-r-y-l-e-t or B-e-y-l-o-t.
Mr. COSGROVE. I know of him.
The CHAIRMAN. Do you know anything of his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know in what business he is engaged?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know T. E. Gleason?
Mr. COSGROVE. I know him when I see him.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I guess for some time; just to see him around the town.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Did you take his affidavit?
Mr. COSGROVE. I don't believe I did.
The CHAIRMAN. Do you know E. E. Harbeson?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know E. L. Clubb?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know H. F. Hogan?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. By what nickname does he go?
Mr. COSGROVE. I think they commonly called him "Rumpty Rattle."
The CHAIRMAN. Do you know why he was called that?

Mr. COSGROVE. No, sir; except he has probably made a great rumpus on the other side from Mayor Grace in political campaigns in Charleston.

The CHAIRMAN. What position does he occupy now?

Mr. COSGROVE. He is city detective, I think.

The CHAIRMAN. What was his former occupation?

Mr. COSGROVE. I do not know.

The CHAIRMAN. Do you know how he came to be city detective?

Mr. COSGROVE. I do not know.

The CHAIRMAN. Who appoints the city detectives?

Mr. COSGROVE. The mayor.

The CHAIRMAN. He is an experienced politician down there?

Mr. COSGROVE. I think so, sir.

The CHAIRMAN. What do you mean by "experienced politician"?

Mr. COSGROVE. One who has been in the game for a number of years and who can swing a lot of votes in the ward in which he lives.

The CHAIRMAN. Was he ever engaged in the blind-tiger business?

Mr. COSGROVE. Not to my knowledge.

Mr. FREAR. I move that all that other testimony in regard to blind tigers be reinstated in the record, if it was stricken out. The purpose, I can see very clearly, is to discredit all these witnesses by testimony showing that they have run blind tigers, which I think is permissible and all right. On that same basis, it seems to me the explanation should go into the record in regard as to what this practice is, in justifying it from the viewpoint of the witness.

Mr. CRISP. I second that motion. I would like to have that testimony.

The CHAIRMAN. All right; it may stand in the record.

Do you know Robert Smart?

Mr. COSGROVE. I said I did not recollect him.

The CHAIRMAN. Do you know M. H. Fulcher?

Mr. COSGROVE. No, sir; I do not believe I took his affidavit, did I?

The CHAIRMAN. It says, "Sworn to and subscribed before me this 29th day of September, 1913. John I. Cosgrove, notary public."

Mr. COSGROVE. That is I.

The CHAIRMAN. That is you?

Mr. COSGROVE. Yes; that is I, but I do not recollect him.

The CHAIRMAN. You have no recollection of him?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know A. W. Reynolds?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. Just since I got busy on this case.

The CHAIRMAN. What business is he engaged in?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. You know nothing about his character?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Samuel D. Barshay?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. Just recently.

The CHAIRMAN. How recently?

Mr. COSGROVE. The last couple weeks, I guess.

The CHAIRMAN. Do you know in what business he is engaged?

Mr. COSGROVE. I believe—I do not know——

The CHAIRMAN. We do not care for your belief. If you do not know, that settles it. Do you know C. Crovatt?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. I met him this summer.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. At the time I met him I think he was working for the city on the streets.

The CHAIRMAN. After you met him did he go into some other occupation?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. Do you know whether he is still on the street?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. On the "grass gang" as you call it?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. What business was he engaged in before he went on the streets, if any?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. A. Seebeck—do you know him?
Mr. COSGROVE. I know him.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. Since June, I think.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I think he runs a blind tiger.
The CHAIRMAN. How long has he been running a blind tiger?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Carl Stanfill?
Mr. COSGROVE. I do not.
The CHAIRMAN. Do you know H. C. Heins?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. A couple months, I guess.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir; except he is a young fellow and he appears to be of good character, so far as I know.
The CHAIRMAN. M. J. Barry—do you know him?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met him at my return to Charleston this summer, in June or July.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Mr. Willie Singletary?
Mr. COSGROVE. I do not know him.
The CHAIRMAN. You say you do not know him?
Mr. COSGROVE. No, sir.
The CHAIRMAN. You did not take his affidavit?
Mr. COSGROVE. I do not recollect.
The CHAIRMAN. Do you know A. F. Dunlap?
Mr. COSGROVE. I know him when I see him.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met him during the past several months.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir; I do not know anything about it.
The CHAIRMAN. Do you know G. Arardo? It says here, "Name very indistinct, supposed to be G. Narclo."
Mr. COSGROVE. No, sir; I do not know him.
The CHAIRMAN. Do you know H. Leon Larisey?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met him during the summer after I returned home.
The CHAIRMAN. What business is he engaged in?
Mr. COSGROVE. I think in the insurance business.
The CHAIRMAN. Life or fire?
Mr. COSGROVE. I think it is the life insurance business.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
Mr. GRACE. Mr. Chairman, Mr. Moses is here, and is in rather a hurry to get away. May I suspend with Mr. Cosgrove for one moment and put Mr. Moses on the stand?
The CHAIRMAN. Certainly

Mr. STEPHENS. How long will it take?
Mr. GRACE. Not longer than a minute, Mr. Stephens.

TESTIMONY OF MR. ARTHUR C. MOSES.

The witness was duly sworn by the chairman.
Mr. GRACE. What is your name?
Mr. MOSES. Arthur C. Moses.
Mr. GRACE. Where do you live?
Mr. MOSES. Washington, D. C.
Mr. GRACE. What is your business?
Mr. MOSES. Building construction.
Mr. GRACE. Are you connected with the Boy Scouts and the playgrounds?
Mr. MOSES. Yes, sir.
Mr. GRACE. What position did you occupy with reference to them?
Mr. MOSES. I am called the president of the local council of Boy Scouts, and president of the Playgrounds Association.
Mr. GRACE. Have you known Mr. Cosgrove?
Mr. MOSES. Yes, sir.
Mr. GRACE. How long, and what is your opinion of him?
Mr. MOSES. I have known Mr. Cosgrove approximately a year, perhaps a little less. He held a position of trust with us. In the Playgrounds Association, he was intrusted with the handling of boys and girls and acquitted himself well. He was afterwards given a position collecting money for the Boy Scouts from the citizens of Washington. That institution is run by the gifts of those who are interested. He did that work thoroughly, conscientiously, and turned in every dollar that he collected, and we never missed a penny. Mr. Cosgrove left us of his own free will and very much against my wishes. If I could have kept him without damaging his prospects, I should certainly have done so. That is all I know of Mr. Cosgrove. I do not know where he came from or what his antecedents are or anything of the kind. If he came to me I should have intrusted him with any reasonable amount of money in any sort of a position.
Mr. GRACE. That is all, Mr. Chairman.
The CHAIRMAN. That is all, Mr. Moses; you may be excused.

TESTIMONY OF MR. JOHN I. COSGROVE—(Continued.)

The CHAIRMAN. Do you know Stephen D. Sargent?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. By what nickname does he go?
Mr. COSGROVE. "Steve," I think.
The CHAIRMAN. Have they dubbed him down there "Know-it-all" Sargent?
Mr. COSGROVE. Not so far as I know.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. This summer.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I believe he works for the railroad. I know he is a railroad man.
The CHAIRMAN. Do you know how long he has been working for the railroad?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know anything about his character?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know that he has recently been discharged from the railroad on account of misuse of railroad property?
Mr. COSGROVE. I know this, that that statement was made, and I know that Mr. Sargent has absolutely denied it.
Mr. FREAR. Who made the statement?
Mr. COSGROVE. Mr. Whaley, in his testimony.
The CHAIRMAN. Mr. Whaley made the statement? You do not know anything about it, though?
Mr. COSGROVE. No, sir.
Mr. FREAR. I thought at the time it was a very unfair and unjust statement to make, without the privilege of cross-examination. It was just as unfair as to send a telegram to this committee attacking the character of a witness.
Mr. STEPHENS. With reference to the telegram, I think that was rather as a strike at me, because of some things I asked about that matter.
Mr. FREAR. No; it was intended for the source, but not the receiver, Mr. Stephens.

Mr. STEPHENS. I asked some question and you rather took exception at the time, as I recall, to my interrogating Mr. Larisey about that particular matter.

Mr. FREAR. The telegram charged that Mr. Larisey was a perjurer.

Mr. STEPHENS. The matter does not rest at all on that telegram, but there is testimony from a great number of witnesses supporting the contention that Mr. Larisey is unworthy of belief.

Mr. FREAR. That telegram was the first thing that appeared before the committee calling attention to Mr. Larisey. It came in surreptitiously, and went to the chairman. That is what I object to. Afterwards it was repeated by Mr. Whaley in his testimony, and we brought the record over, and the question of whether Mr. Larisey was convicted—as he said—of perjury was gone into, and it was shown that he was not, although he said so substantially in his testimony. However, we can not try out a case like that, and the impossibility of it was shown the minute the record was produced.

Mr. STEPHENS. There is no contention that he was convicted for perjury.

Mr. FREAR. That was the statement of Mr. Whaley, as you will find in his unsworn testimony. That shows the unfairness of it all.

The CHAIRMAN. Do you know Mr. M. J. Nolan?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. I have known him this summer. I met most all these people since my return to Charleston after an absence of somewhat over three years.

The CHAIRMAN. In what business is Nolan engaged?

Mr. COSGROVE. I think he is a carpenter or something like that.

The CHAIRMAN. Do you know anything about his character?

Mr. COSGROVE. No, sir.

The CHAIRMAN. You do not know anything about that?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Bernard P. K. Cary?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. I have known him, I guess, 10 or 15 years.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. He is a tinner and plumber.

The CHAIRMAN. What do you know about his character?

Mr. COSGROVE. I would not believe Cary on oath.

The CHAIRMAN. Why?

Mr. COSGROVE. Because of a personal matter.

Mr. GRACE. Personal knowledge?

The CHAIRMAN. Let the witness answer. He said a personal matter.

Mr. COSGROVE. Yes, sir. If the chairman would permit me, I would not care to bring it out in this meeting, because it is irrelevant.

The CHAIRMAN. We do not care to go into that.

Mr. COSGROVE. I would not believe him on oath.

The CHAIRMAN. On account of a personal matter?

Mr. COSGROVE. Yes.

The CHAIRMAN. What is the general reputation of Mr. Cary for truth and veracity in the community there?

Mr. COSGROVE. I think it is bad.

The CHAIRMAN. Have you heard it brought into question?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. By whom?

Mr. COSGROVE. At various times and places, particularly in this recent business.

The CHAIRMAN. Do you know Thomas W. Young?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. All my life.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. I think he is a machinist—a third-rate machinist or something like that.

The CHAIRMAN. Where does he live?

Mr. COSGROVE. He lives on State Street.

The CHAIRMAN. Do you know anything about his character?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. What is his general reputation for truth and veracity in the community?

Mr. COSGROVE. So far as I know, it is bad.

The CHAIRMAN. Have you ever heard it brought in question?

Mr. COSGROVE. Yes, sir; I have known Young since he was a little boy and played with him.

The CHAIRMAN. By whom have you heard his reputation for truth and veracity brought into question?

Mr. COSGROVE. In this business? As to the question of this statement here, I have heard it said since he was a little fellow. So far as I know, Young was always a liar.

The CHAIRMAN. Did you ever hear it brought in question before this controversy?

Mr. COSGROVE. No, except that the fellows who knew him would not believe him.

The CHAIRMAN. You have heard it brought in controversy before this?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. Do you know Thomas Burchfield, jr.?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. Ten or fifteen years.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. I do not know, sir.

The CHAIRMAN. Where does he live in Charleston?

Mr. COSGROVE. At the corner of Hampton and Wentworth Streets. Whether he lives there now or not, I do not know.

The CHAIRMAN. Do you know his reputation for truth and veracity in the community?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. What is it?

Mr. COSGROVE. I think it is very bad.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. I do not know. I think he was brought up in police court for being a member of what is known as the Bird gang in Charleston.

The CHAIRMAN. How do you know?

Mr. COSGROVE. He was tried for breaking in the new bridge office and stealing $6 and a razor out of the safe.

Mr. GRACE. You say he is a professed highwayman?

Mr. COSGROVE. I know this just as well as anyone else knows it. The papers gave an account of it, and I, being in the practice of law, am familiar with those things.

The CHAIRMAN. Do you know G. E. Heape?

Mr. COSGROVE. No, sir.

The CHAIRMAN. You do not know him?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Vincent Font?

Mr. COSGROVE. I know him to see him, but I do not know anything about him. I know he goes with a very bad crowd in Charleston—he and Fosberry and that crowd down on the water front.

The CHAIRMAN. But you do not know anything about his reputation?

Mr. COSGROVE. I know he has been in police court and has been implicated in a lot of things—not of my own knowledge, because I have not examined the records, but I know his reputation is bad.

The CHAIRMAN. Do you know in what business he is engaged?

Mr. COSGROVE. No, sir. I do not believe he has ever done much work in his life.

The CHAIRMAN. Do you know Louis R. Morillo?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know George E. Plow?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. I met him in June or July, I think.

The CHAIRMAN. Do you know in what business he is engaged?

Mr. COSGROVE. I think he used to be a policeman. I do not know if he is still on the force. I have heard he was discharged or resigned.

The CHAIRMAN. Do you know what his reputation is?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know J. W. Moore?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. During the past summer.

The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I think he is a policeman.
The CHAIRMAN. Now?
Mr. COSGROVE. I think so; sir.
The CHAIRMAN. Appointed by Mr. Grace?
Mr. COSGROVE. I suppose so; yes, sir.
The CHAIRMAN. Do you know his reputation?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Max Goldman?
Mr. COSGROVE. Yes, sir; I know him.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not believe he does anything.
The CHAIRMAN. He has no business at all?
Mr. COSGROVE. Not so far as I know.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. The last couple months.
The CHAIRMAN. Do you have any means of knowing his reputation for truth and veracity in that community?
Mr. COSGROVE. I have heard it is bad.
The CHAIRMAN. Have you any means of knowing?
Mr. COSGROVE. I think so; yes. I have talked with Goldman several times, and I have talked with people who know him and people who have associated with him, and, from what I gather, his reputation is bad.
The CHAIRMAN. When did you discuss his reputation with anybody?
Mr. COSGROVE. Within a short time.
The CHAIRMAN. Just since this controversy arose?
Mr. COSGROVE. Yes. I did not know Mr. Goldman before that time.
The CHAIRMAN. Do you know Conrad Churchill?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know August Rowe?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know William J. Leonard?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I guess 8 or 10 years.
The CHAIRMAN. Have you any means of knowing his reputation there for truth and veracity?
Mr. COSGROVE. No, sir; I just know Mr. Leonard.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. He is deputy sheriff.
The CHAIRMAN. Have you heard his reputation for truth and veracity brought into question?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know J. La Torre?
Mr. COSGROVE. I know him to see him; yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I used to know him personally when I was a little boy. He lives around my neighborhood.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know now.
The CHAIRMAN. Did you take his affidavit for Mr. Graves?
Mr. COSGROVE. He made no affidavit for Mr. Graves.
Mr. GRAVES. He is a Whaley man.
The CHAIRMAN. You say you do not know about his reputation?
Mr. COSGROVE. Not for truth and veracity. I know his other reputation is bad.
The CHAIRMAN. What other reputation?
Mr. COSGROVE. He goes with an awful bad crowd over there on the east side of Charleston, and is always taken extremely——
The CHAIRMAN [interposing]. What ward is that?
Mr. COSGROVE. Ward 5. I live in ward 5.
The CHAIRMAN. Do you know A. Montanese?
Mr. COSGROVE. I know him when I see him.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. For four or five or probably six years; just seeing him in the street.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I do not know.
The CHAIRMAN. Do you know anything about his reputation?

Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know William H. Grimball?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met him for the first time five or six years ago.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. He is a lawyer.
The CHAIRMAN. Have you means of knowing his reputation for truth and veracity in the community there?
Mr. COSGROVE. I do not know what his reputation is?
The CHAIRMAN. You do not know anything about that?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Did you ever hear it called in question?
Mr. COSGROVE. Just recently; since he made his affidavit.
The CHAIRMAN. Do you know R. T. Font?
Mr. COSGROVE. I do not.
The CHAIRMAN. Do you know H. Pate Gruber?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Charles Munzenmaier?
Mr. COSGROVE. Yes, sir; I know him to see him, and have known him at sight for a long time.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. I think he is in the meat business.
The CHAIRMAN. A butcher, is he?
Mr. COSGROVE. I think so.
The CHAIRMAN. In what part of Charleston?
Mr. COSGROVE. I think in the upper section of Charleston.
The CHAIRMAN. What ward?
Mr. COSGROVE. I do not know.
The CHAIRMAN. Do you know his reputation for truth and veracity?
Mr. COSGROVE. No, sir.
Mr. STEPHENS. He states he has been for the past six years a clerk in a wholesale house.
Mr. COSGROVE. I just know him to see him on the street. It may be his brother.
The CHAIRMAN. Do you know Harry Friends?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you not know him at all?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know H. C. Milligan?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know M. J. Blanche?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know J. J. Barrineau?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know I. O. Donaghue?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Frank Fosberry?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I just met him. I have known him just to see him, like I have known a lot of these other people around there for a long time.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. So far as I know, I do not believe he has any regular occupation.
The CHAIRMAN. None at all?
Mr. COSGROVE. No, sir.
The CHAIRMAN. How old a man is he?
Mr. COSGROVE. Twenty-two or twenty-three—between 22 and 25.
The CHAIRMAN. Do you know anything about his reputation?
Mr. COSGROVE. Except as I see he goes with a very bad crowd that hang over on the east side, all of whom, more or less, have criminal records.
The CHAIRMAN. You do not know anything about his record?
Mr. COSGROVE. No, sir; he and the Font boys, I know, are very close friends.
The CHAIRMAN. Do you know Frank M. Cox?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Milton Stall?
Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know J. J. O'Shaughnessy?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met O'Shaughnessy for the first time about eight years ago and have known him since.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. He is a magistrate down there.
The CHAIRMAN. What kind of a magistrate?
Mr. COSGROVE. Judicial magistrate, like a justice of the peace, elected every two years.
The CHAIRMAN. Where does he live in Charleston?
Mr. COSGROVE. I do not know where he lives. I know where his office is. He lives away up town in ward 9, I think, but I do not know.
The CHAIRMAN. Do you know his reputation there for truth and veracity?
Mr. COSGROVE. O'Shaughnessy's reputation is extremely bad from any standpoint.
The CHAIRMAN. As to honesty?
Mr. COSGROVE. Yes, sir; as to honesty particularly.
The CHAIRMAN. And square dealing?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. And for truth and veracity?
Mr. COSGROVE. Yes, sir. I think he was cited to appear before Gov. Blease on October 24 to show cause why he should not be removed from office on account of taking money from a colored woman, and I know of my own knowledge——
The CHAIRMAN. What was the colored woman's name?
Mr. COSGROVE. I do not recollect her name.
The CHAIRMAN. Was he removed from office?
Mr. COSGROVE. No, sir. I understand influences were brought to bear that kept him in office.
The CHAIRMAN. Do you know anything about that?
Mr. COSGROVE. About the influences?
The CHAIRMAN. Yes.
Mr. COSGROVE. No. I know of my own knowledge that I had two negro men in my office a couple of weeks ago whom O'Shaughnessy had charged $5 apiece for signing their own recognizances, their own bonds to appear.
Mr. GRACE. I have a presentment to the grand jury against O'Shaughnessy, an official record——
The CHAIRMAN. You need not put that in the record.
Mr. FREAR. How is it that he has been elected all these years if he has a bad character?
Mr. COSGROVE. Mr. Frear, the conditions in Charleston which are making necessary this present investigation answer that question.
Mr. FREAR. Is he elected by the ward?
Mr. COSGROVE. No, sir; he is elected from the city at large or the county.
Mr. FREAR. That is, the vote from the entire county elects him?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How many justices have you of that character in the county?
Mr. COSGROVE. I guess there are 10 or 12.
Mr. FREAR. All elected at the same time?
Mr. COSGROVE. Yes, sir.
Mr. FREAR. And by the vote of the entire county?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. Do you know John H. Steenken?
Mr. COSGROVE. I know him to see him.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. He was on the police force for a number of years.
The CHAIRMAN. In what business is he engaged now?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. He says he is the present superintendent of Bethany Cemetery, a cemetery in the outskirts of Charleston. Is that a fact?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Is such a cemetery there?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. Who appoints or how is the superintendent appointed?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. You do not know anything about that?
Mr. COSGROVE. No, sir.

The CHAIRMAN. What is his reputation, as you know it?
Mr. COSGROVE. I do not know, sir.
The CHAIRMAN. Do you know P. Hanley? Do you know anything about him?
Mr. COSGROVE. I know him personally.
The CHAIRMAN. In what business is he engaged?
Mr. COSGROVE. He is what is known as special agent or detective for the Southern Railway.
The CHAIRMAN. He is a detective?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long has he been in that business?
Mr. COSGROVE. Since I recollect the name of Hanley, he has been connected with the Southern Railroad. I do not recollect just the number of years.
The CHAIRMAN. In what part of Charleston does he live?
Mr. COSGROVE. He lives in one of the upper wards, 9 or 10.
The CHAIRMAN. Have you means of knowing his reputation there in the community?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know J. Russell Williams?
Mr. COSGROVE. That is in Berkeley County, but I know him. That is out of my county. He is clerk of the court at Moncks Corner, in Berkeley County.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. I met him this summer.
The CHAIRMAN. What do you know about his reputation?
Mr. COSGROVE. I have heard his reputation only from one person, Mr. C. F. Hardy, of Alden, S. C.
The CHAIRMAN. In what county is that?
Mr. COSGROVE. Berkeley County.
The CHAIRMAN. He is clerk of the court of common pleas of that county?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. You do not know anything about his reputation?
Mr. COSGROVE. Except from this one person, who told me he knew of this affidavit, but he knew as a matter of his own knowledge that the affidavit was not true.
The CHAIRMAN. Do you know J. W. Brittingham?
Mr. COSGROVE. No, sir. Those are all out of my county, I think.
The CHAIRMAN. Do you know J. M. Wilder?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know C. P. Ballentine?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know Primus Russell?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know E. D. Jaudon?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know W. H. Lorenz?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know L. H. Rivers?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know G. Rittenberg?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know C. M. Whaley?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know J. K. Hill?
Mr. COSGROVE. No, sir.
Mr. FREAR. Is that man any relation to this Mr. Whaley here?
Mr. BRESNIHAN. I think he is a distant relative.
The CHAIRMAN. Do you know Jesse Murray?
Mr. COSGROVE. No, sir.
The CHAIRMAN. Do you know C. M. Wiggins?
Mr. COSGROVE. I think I do know a Charley Wiggins, at Moncks Corner, in Berkeley County.
The CHAIRMAN. He is auditor of that county, is he?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. That is a fact, is it?
Mr. COSGROVE. Yes, sir. I do not like to bring this into this case, but I know Mr. Wiggins left Moncks Corner recently because of charges in the bank. He came back and I think they are still working on his accounts out there. He was the president or the cashier of the bank, I forget which, in Moncks Corner, in which the county funds were kept, as well as those of deposits. I am not say-

ing Mr. Wiggins was guilty of defalcation, but I say he left there and was absent three weeks when the charges were discovered.

The CHAIRMAN. But he came back and is at work now, is he not?

Mr. COSGROVE. I do not know. I have not been out there recently. He says he is a resident of Berkeley County?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. What is the county seat of Berkeley County?

Mr. COSGROVE. Moncks Corner.

The CHAIRMAN. Do you know R. G. Causey?

Mr. COSGROVE. I think he is the sheriff of Berkeley County.

The CHAIRMAN. Do you know anything about him?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know J. M. Witsell?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Jas. E. Peurifoy?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Was he the candidate for Congress?

Mr. COSGROVE. No; his brother, John H. Peurifoy.

The CHAIRMAN. Do you know A. A. Patterson, jr.?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know D. B. Peurifoy?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know W. B. Ackerman?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know W. J. H. Brandt?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Charles D. Miller?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know John J. Nettles?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know J. H. Timmons?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know John B. Brogdon?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know O. C. Scarborough?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know A. C. Bradham?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know D. M. Bradham?

Mr. COSGROVE. I think I know him to see him. I think I met him on the train recently.

The CHAIRMAN. You do not know anything about him?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know George W. Dick?

Mr. COSGROVE. I do not know him. Those are all out of my county.

The CHAIRMAN. You do not know any of them?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know Rob. Wickert?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COSGROVE. I just met him recently, within the last couple weeks, I believe.

The CHAIRMAN. Did you take his affidavit?

Mr. COSGROVE. I do not recollect whether I did or not.

The CHAIRMAN. In what business is he engaged?

Mr. COSGROVE. I do not know.

The CHAIRMAN. Do you know anything about his reputation for truth and veracity?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know John W. Perry?

Mr. COSGROVE. You asked me about him, I think.

The CHAIRMAN. Do you know F. E. Riley?

Mr. COSGROVE. I do not recollect him.

The CHAIRMAN. Do you know Mike Filiberti?

Mr. COSGROVE. I do not recollect the name as pronounced.

The CHAIRMAN. It is spelled F-i-l-i-b-e-r-t-i.

Mr. COSGROVE. No, sir; I do not know him.

The CHAIRMAN. Do you know G. B. Harley?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Do you know W. J. Bennett?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long have you known him?
Mr. COSGROVE. W. J. Bennett is the jailer; I know him; yes, sir.
The CHAIRMAN. The county jailer?
Mr. COSGROVE. Yes, sir.
The CHAIRMAN. How long has he occupied that position?
Mr. COSGROVE. I do not know.
The CHAIRMAN. How did he secure that position?
Mr. COSGROVE. Appointment by the sheriff, I think.
The CHAIRMAN. Do you know anything about his reputation?
Mr. COSGROVE. No, sir; I do not.
Mr. GRACE. He has held that ever since I fired him out of the city for graft.
Mr. STEPHENS. I am going to insist that you keep out of this record all such remarks. Mr. Chairman, this man has very frequently broken in on the testimony of this witness in this way, and I object to it.
The CHAIRMAN. Yes; he has been admonished, and if he does not desist he will have to leave the room until we finish with this witness.
Do you know W. B. Logan?
Mr. COSGROVE. I do not recollect W. B. Logan.
The CHAIRMAN. Does anybody desire to ask the witness any further questions?
Mr. BRYAN. I want to ask just one question.
The CHAIRMAN. Proceed.
Mr. BRYAN. Are you a member of the firm Grace & Logan?
Mr. COSGROVE. I am not a member. I am associated with them in the practice of the law.
Mr. BRYAN. Are you employed by them?
Mr. COSGROVE. Yes, sir; I suppose you would call it employment.
Mr. BRYAN. A monthly salary?
Mr. COSGROVE. Yes, sir.
Mr. BRYAN. What monthly salary?
Mr. GRACE. I object to that, Mr. Chairman.
The CHAIRMAN. I am going to rule that it is admissible, because we have a right to show his connection with you in this matter.
Mr. BRYAN. I ask the question in this connection: The witness has sworn his services were gratuitous. What salary do you receive?
Mr. COSGROVE. I get $100 a month.
Mr. BRYAN. Did you have $100 a month during the month of September?
Mr. COSGROVE. Yes, sir.
Mr. BRYAN. For $100 a month they have complete control of your time and activity, have they not?
Mr. COSGROVE. I do not know about that. I have never arranged any time at all.
Mr. BRYAN. Is there anybody else employed in that office except yourself?
Mr. COSGROVE. No, sir.
Mr. BRYAN. You are the sole employee?
Mr. COSGROVE. Yes, sir; but I have no hours. I can take a day off if I get ready, and I get down to work when I get ready and leave when I get ready.
Mr. BRYAN. It was during the time you had $100 a month and was employed by Logan & Grace that you took these affidavits?
Mr. COSGROVE. Yes, sir.
Mr. BRYAN. You have testified you were taken all about to different places?
Mr. COSGROVE. Yes, sir.
Mr. BRYAN. Who took you?
Mr. COSGROVE. One fellow would call me——
Mr. BRYAN. Who, for instance?
Mr. COSGROVE. Mr. Bresnihan, for instance.
Mr. BRYAN. This gentleman here [indicating]?
Mr. COSGROVE. Yes, sir.
Mr. BRYAN. In what buggy did he take you?
Mr. COSGROVE. He took me in his buggy, as I recollect it, one day, once. He took me to A. C. Beck, at the corner of State and Queen Streets.
Mr. BRYAN. When anybody took you, who took you?
Mr. COSGROVE. The man who called me.
Mr. BRYAN. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Cosgrove, when did your employment begin with this firm?

Mr. COSGROVE. I made arrangements to go back with this firm when I was in Charleston last May. I went down to take the bar examination of South Carolina at Columbia, and went to Charleston and made arrangements then to come back with Logan & Grace in June, and I came back and reached Charleston the 21st or 22d of June and entered into the work.

The CHAIRMAN. Are you still with them?

Mr. COSGROVE. Yes, sir; and expect to continue to be.

The CHAIRMAN. Did you have any connection with the employment of Larisey?

Mr. COSGROVE. No, sir; I would like to make this statement, in order to controvert any idea of influence, that I have known Mr. Grace all my life. Mr. Grace is my godfather. Mr. Grace for 18 years has been making a fight in Charleston, single handed, to uproot the very conditions that we are fighting now.

The CHAIRMAN. We do not care for any argument of that kind.

Mr. COSGROVE. And that is the reason for my coming back to Charleston and associating with Logan & Grace, because I think as they do. I had offers to go other places.

The CHAIRMAN. Do you know anything about the employment of Larisey?

Mr. COSGROVE. No, sir.

The CHAIRMAN. That is all.

Mr. GRACE. Did your salary of $100 begin the day you came into our office?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. At that time was this proceeding even begun?

Mr. COSGROVE. No, sir.

The CHAIRMAN. Have you ever since then been employed in our office?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. At the same salary?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. Has your salary been increased any?

Mr. COSGROVE. No, sir.

Mr. GRACE. When you said nobody else was employed in our office, you meant no other lawyer?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. You did not mean a stenographer or anyone of that sort?

Mr. COSGROVE. No, sir. We have a stenographer and a boy.

Mr. GRACE. That firm consists of Mr. Logan and myself?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. And you, associated under the salary with the firm?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. Did you make these investigations [handing the witness a paper]?

Mr. COSGROVE. Yes, sir.

Mr. GRACE. What are those?

Mr. COSGROVE. This is the result of an investigation made by me some time in November.

Mr. GRACE. This is simply in one or two spots to corroborate Larisey. We could not go over the entire field.

Mr. COSGROVE. I spent three days in Dorchester County, and that affidavit is the result of my investigation.

Mr. GRACE. I want to identify that and put it in the record, Mr. Chairman. You will see that even men who have since made affidavits for Whaley——

The CHAIRMAN. You need not argue the question.

Mr. GRACE. That was taken before I was up here the last time, before any question of Mr. Larisey's reputation arose.

The CHAIRMAN. Who is John I. Cosgrove?

Mr. COSGROVE. That is I, sir.

The CHAIRMAN. That is the same fellow that made the other affidavit?

Mr. COSGROVE. I am the fellow that made that affidavit.

The CHAIRMAN. You are the man?

Mr. COSGROVE. Yes, sir.

Mr. STEPHENS. I would like to ask the witness one question about this matter.

Mr. FRENCH. Why not let that go in the record, so it may be printed along with whatever questions may be asked?

Mr. FREAR. These other affidavits, I assume, ought to go in because of the oversight which occurred through my fault.

Mr. STEPHENS. As I understand it, this is an affidavit of Mr. Cosgrove, that certain fellows told him that certain other fellows did so and so or that they knew of facts, just on the same line as Larisey's affidavit about what he heard somebody else said, and so on. The question I want to ask you, Mr. Cosgrove, is this: Do you know of your own knowledge anything abut these various transactions that are recited in this affidavit here?

Mr. COSGROVE. Mr. Stephens, as I have said time and time again, I was in Washington all during that campaign.

Mr. STEPHENS. That is what I thought.

Mr. COSGROVE. So I do not know anything of the transaction.

Mr. STEPHENS. This is merely hearsay with you?

Mr. COSGROVE. I have met these men personally, I talked with them personally, and I made notes at that time of what they told me, and in one or two instances it is not hearsay in so far as one or two told me they were present.

Mr. STEPHENS. It is hearsay so far as you are concerned?

Mr. COSGROVE. Of course. I was making the investigation. That is the Larisey investigation. These fellows will testify if they are called. I corroborated their statements by seeing others, as was brought out in the affidavit, I think.

Mr. STEPHENS. But in the last analysis it is all hearsay, so far as you are concerned.

Mr. FREAR. It seems to me that this is the same character of information as the Larisey affidavit. It is a sort of bill of particulars.

Mr. GRACE. This is corroborative of Larisey.

The CHAIRMAN. Let it go in; but if we do that they will want an opportunity to rebut it, and then where will we end?

Mr. FREAR. Does this bring out any additional facts from those that appear in the record now?

Mr. COSGROVE. In one case, Mr. Winningham told me, I think, that he was offered $60 by one Miles, I think.

Mr. FREAR. That is now?

Mr. COSGROVE. I think it is new.

Mr. FREAR. Why not admit it?

Mr. MCCLELLAN. Does not that open up the case to Mr. Whaley again?

Mr. FREAR. No.

Mr. COSGROVE. I have a statement where a man named Knight, of Knightsville, handled a little over $100. I saw Mr. Knight himself and he admitted to me that he had handled money for Mr. Whaley, but he said he refused at that time to disclose the amount.

Mr. FREAR. Was that Larisey's statement, do you know?

Mr. COSGROVE. No, sir.

Mr. FRENCH. Did he tell you where he got his money?

Mr. COSGROVE. From somewhere in Summerville, I understand.

Mr. FRENCH. Did he indicate in any way that it was from Mr. Whaley?

Mr. COSGROVE. I said, "Mr. Knight, I understand from So-and-so that you handled money at Knightsville for Mr. Whaley." That was my question.

Mr. FRENCH. I asked if the money came from Mr. Whaley, or do you know anything about that?

Mr. COSGROVE. I do not know just the source of the money, although Mr. Winningham, I think, testified that Mr. Larisey had told him.

Mr. GRACE. Mr. Chairman, this is absolutely on the point, it seems to me.

(After informal discussion of the admissibility of the affidavits:)

The CHAIRMAN. We will pass on this matter, gentlemen, when we go into executive session.

Call your next witness, Mr. Graves.

TESTIMONY OF CHARLES J. BRESNIHAN.

The witness was duly sworn by the chairman.

Mr. GRACE. What is your name?

Mr. BRESNIHAN. Charles J. Bresnihan.

Mr. GRACE. How old are you?

Mr. BRESNIHAN. Twenty-eight years old.

Mr. GRACE. Where were you born?

Mr. BRESNIHAN. Charleston, S. C.

Mr. GRACE. You work for the city administration, do you not?

Mr. BRESNIHAN. Yes, sir.
Mr. GRACE. Did you succeed Mr. Bennett?
Mr. BRESNIHAN. One of those positions; yes, sir.
Mr. GRACE. William J. Bennett, the man who made affidavit here?
Mr. BRESNIHAN. Yes, sir. I would like to state that I have the northern division of the city. There are two position of the same kind, one in the southern portion of the city and one in the northern portion.
Mr. GRACE. What is your position
Mr. BRESNIHAN. I am what they call garbage inspector. The city provides us with a horse and buggy.
Mr. GRACE. Mr. Bresnihan, do you know Bennett?
Mr. BRESNIHAN. Yes, sir; I think I know him.
Mr. GRACE. What is his reputation?
Mr. BRESNIHAN. His reputation is rather bad.
Mr. GRACE. He is the present jailor, is he not?
Mr. BRESNIHAN. Yes, sir.
Mr. GRACE. He got his job under the county political machine when I discharged him from the city political machine, is not that a fact?
Mr. BRESNIHAN. Yes, sir.
Mr. GRACE. He was a member of the old city political machine, was he not?
Mr. BRESNIHAN. That is right.
Mr. GRACE. Under Mr. Waley's brother-in-law?
Mr. BRESNIHAN. That is a fact.
Mr. GRACE. He was the mayor preceding me, is not that correct?
Mr. BRESNIHAN. That is correct.
Mr. GRACE. Who was that gentleman, my predecessor?
Mr. BRESNIHAN. R. G. Rhett.
Mr. GRACE. You are a political partisan of mine, are you not?
Mr. BRESNIHAN. Exactly, sir.
Mr. GRACE. You worked for me when I was elected mayor, did you not?
Mr. *B*RESNIHAN. Exactly.
Mr. GRACE. When you knew that this issue was involved between me and Mr. Whaley, was it natural that you should have taken an interest in it?
Mr. BRESNIHAN. Exactly.
Mr. GRACE. What did you do? When I came to Washington and the committee required me, as was published at the time, to go down and get these affidavits, and be back here almost immediately——
The CHAIRMAN. What does this disprove?
Mr. GRACE. I want to show we had to go out in a day and get up these affidavits.
The CHAIRMAN. You did not have to do anything of the kind. You need not undertake to attempt to prove something that we know is not so, because we gave you until the 1st day of December to get the affidavits ready.
Mr. GRACE. I am speaking about the ones we did get, the ones that were to impeach the ones Mr. Whaley came forward with. He impeached certain affidavits. I had to leave here on Friday and go home and be back here on Tuesday. I had to go to Charleston, leaving here on Saturday. I had to do all this work on Sunday and be back here on Tuesday.
The CHAIRMAN. I think the committee will bear me out that you proposed to bring some witnesses here, and on the 1st day of October I told you pointedly you might have until the 1st day of December to produce any affidavits you wanted.
Mr. GRACE. I am sure you do not catch my point. I do not mean to say that in the meantime, since I put in those affidavits, I have not had time to produce affidavits; but I want to show how these affidavits, which Mr. Whaley has attempted to impeach, were gotten together, and there was only one way for me to do it and that was to employ those resources which I had at hand and therefore my employees and my friends of my administration, the police force, and whatever I had immediately at my disposal in one day to get the testimony which I produced here.
Mr. FREAR. This is in answer to Mr. Whaley's statement about it?
Mr. GRACE. Yes, sir; that I used city partisans, etc., to get these affidavits.
The CHAIRMAN. Go ahead with your witness.
Mr. GRACE. Mr. Bresnihan, tell me what you did when you found out I had to get these affidavits?
Mr. BRESNIHAN. When I found you had to have these affidavits in a limited time, I took what spare moments I had, not neglecting my work whatsoever, to get these affidavits. I was going down through Market Street in regard to this

Fosberry affidavit, and I met him standing on the corner of Market and Church Streets, and he stopped me and says to me that one Mr. O'Donnell told him that he wanted him to make out an affidavit as to what he knew in regard to this Whaley affidavit, and he told me he was perfectly willing to make one out. At that time I was on my way up town. I says, "When do you want to make it out?" He said he would go right there and then. I takes him in the buggy, and I said "Climb in the buggy and we will go down to Mr. Cosgrove's office and we will see about getting this affidavit." On our way down we were passing a saloon, and I said, "Do you care about having a drink?" He said, "Yes; I don't mind." So we went in and we had one drink and we came out.

The CHAIRMAN. Why did you ask him to take a drink?

Mr. BRESNIHAN. Why did I ask him to take a drink?

The CHAIRMAN. Yes.

Mr. BRESNIHAN. Just simply asked him to have a drink in a friendly way, the same as you or anybody else would.

The CHAIRMAN. You assume a great deal when you say the same as I would.

Mr. BRESNIHAN. We came out and went down to Cosgrove's office, and he told Mr. Cosgrove all he knew about money that Mr. Whaley had spent and how he had spent it. That is, all he knew about ward 3, he told; and he told about voting illegally in ward 2, and about being paid $12 by one Thomas O'Keefe, and made out the affidavit with a clear mind. I was present and I witnessed the affidavit. After he made out the affidavit, we left the office, he and I. I left him and went up town.

Mr. GRACE. Do you live in ward 3?

Mr. BRESNIHAN. I used to.

Mr. GRACE. Is ward 3 the ward you worked in for me when I ran for office?

Mr. BRESNIHAN. Exactly.

Mr. GRACE. Is Fosberry supposed to live in ward 3?

Mr. BRESNIHAN. Yes, sir.

Mr. GRACE. Do you know Fosberry?

Mr. BRESNIHAN. Yes, sir; I know his reputation.

Mr. GRACE. What is his reputation?

Mr. BRESNIHAN. His reputation is very bad. He is a bum and never works; he is a vagrant.

The CHAIRMAN. If you knew that was his reputation, why did you take his affidavit? If you knew he would not swear to the truth, why did you take his affidavit?

Mr. BRESNIHAN. I did not know he would not swear to the truth, but I knew he had been a follower of Mr. Richard S. Whaley, and he had received this money. That is why I took his affidavit.

Mr. GRACE. We proved that he did that repeating for Mr. Whaley by other evidence——

The CHAIRMAN. Do not argue; go ahead with the witness.

Mr. GRACE. Have you seen his counter-affidavit which he gave?

Mr. BRESNIHAN. Mr. Cosgrove read it to me one night.

Mr. GRACE. He said that his first affidavit was taken while he was drunk and while he was under some influence. Was that first affidavit of his a voluntary affidavit or at whose suggestion was it given?

Mr. BRESNIHAN. His own.

Mr. GRACE. He went down with you?

Mr. BRESNIHAN. He went down with me; yes, sir.

Mr. GRACE. Is Mr. Fosberry a man who would repeat around the polls?

Mr. BRESNIHAN. I think so.

Mr. GRACE. About Mr. Bazzar's affidavit——

The CHAIRMAN. I want to ask the witness a question at this point. You say you did invite Fosberry to the Atlantic Café?

Mr. BRESNIHAN. I do not know the name of the place. A Greek runs the place.

The CHAIRMAN. How many drinks did you take?

Mr. BRESNIHAN. One drink.

The CHAIRMAN. He said you took two.

Mr. BRESNIHAN. I did not do anything of the kind; neither did he.

The CHAIRMAN. Was there anybody else in there at the time?

Mr. BRESNIHAN. Yes; the bartender, the man that runs the place.

The CHAIRMAN. How long were you in there?

Mr. BRESNIHAN. About 10 minutes or 15 minutes.

The CHAIRMAN. Who runs that Atlantic Café?

Mr. BRESNIHAN. A Greek. I can not recollect his name.
Mr. FREAR. Is that a blind tiger?
Mr. BRESNIHAN. Yes, sir.
The CHAIRMAN. He said after you took a drink you invited him to go out on a joy ride around the city?
Mr. BRESNIHAN. Absolutely untrue.
The CHAIRMAN. Did you use a buggy belonging to the city?
Mr. BRESNIHAN. Yes, sir.
The CHAIRMAN. How did he know that?
Mr. BRESNIHAN. He knew that ever since I had the position. He is a resident of Charleston; so am I; and it is no more than likely he would know the changes in a new administration.
Mr. GRACE. Did you take a ride in the buggy?
Mr. BRESNIHAN. Took a short ride directly to Mr. Cosgrove's office.
The CHAIRMAN. How did he come to get in the buggy?
Mr. BRESNIHAN. We went in the buggy ordinarily like you would go in any other buggy.
The CHAIRMAN. You were walking when you met him?
Mr. BRESNIHAN. Who was?
The CHAIRMAN. You.
Mr. BRESNIHAN. No, sir; I was riding in the buggy. He was standing on the corner and I was going down street in the buggy and met him.
The CHAIRMAN. And you had to hitch your rig to go into the saloon?
Mr. BRESNIHAN. No, sir; he walks over and comes over to the buggy to me, and gets in, and we didn't go into the saloon until we were on our way to Mr. Cosgrove's office.
Mr. FREAR. Did you hitch your buggy and go into the saloon?
Mr. BRESNIHAN. Yes, sir; we didn't hitch the buggy. We stopped and left it there. It was not necessary to hitch the buggy.
The CHAIRMAN. He says he had to be helped out of the café into the buggy.
Mr. BRESNIHAN. I emphatically deny that.
The CHAIRMAN. You deny that?
Mr. BRESNIHAN. Yes, sir.
The CHAIRMAN. When you first met him, you took him into the buggy?
Mr. BRESNIHAN. Exactly.
The CHAIRMAN. And you stopped the buggy to get a drink when you were going to Mr. Cosgrove's office?
Mr. BRESNIHAN. We stopped to get a drink on our way to Mr. Cosgrove's office.
The CHAIRMAN. Why did you stop to get a drink when you were in the buggy and on your way to Mr. Cosgrove's office?
Mr. BRESNIHAN. We just simply stopped to get a drink; that is all.
The CHAIRMAN. Did you talk about the affidavit before that?
Mr. BRESNIHAN. No; he mentioned the affidavit to me.
The CHAIRMAN. Before you stopped to get the drink?
Mr. BRESNIHAN. Yes.
The CHAIRMAN. He mentioned it to you?
Mr. BRESNIHAN. Exactly.
The CHAIRMAN. You talked it over and then got a drink?
Mr. BRESNIHAN. We were talking in regard to the corruption of Whaley's alleged election. That is what we were talking about, and all this money that he had spent to obtain his seat.
The CHAIRMAN. What were you talking about when he stopped you on the street?
Mr. BRESNIHAN. He stopped me and asked me about that.
The CHAIRMAN. What did he say?
Mr. BRESNIHAN. There was another party, O'Donnell, that knew that this fellow Fosberry had knowledge of Whaley's spending this money.
The CHAIRMAN. What did he say to you when he accosted you there in the buggy?
Mr. BRESNIHAN. I don't know the words exactly; I don't remember the conversation, but he told me that Mr. O'Donnell told him that he wanted him to testify, to make an affidavit in regard to this Whaley election.
The CHAIRMAN. What did you say?
Mr. BRESNIHAN. I told him "yes."
The CHAIRMAN. What else did you say to him?
Mr. BRESNIHAN. Nothing as I know of. I said, "Go down to Mr. Cosgrove's office."
The CHAIRMAN. You said, "Go down to Mr. Cosgrove's office"?

Mr. BRESNIHAN. I told you that before, unless you want me to repeat it.

The CHAIRMAN. Who suggested taking a drink at the Atlantic Café?

Mr. BRESNIHAN. I did.

The CHAIRMAN. Why did you do that?

Mr. BRESNIHAN. I just done it like I would suggest anything else. I asked him did he care for a drink before he went down.

The CHAIRMAN. Are you in the habit of drinking?

Mr. BRESNIHAN. No, sir; I have not drank a thing in two years.

The CHAIRMAN. You have not drank anything for two years?

Mr. BRESNIHAN. No, sir; that is, not intoxicating—anything with alcohol in it.

The CHAIRMAN. How did you come to be thirsty this day when you got this fellow in your buggy?

Mr. BRESNIHAN. I did not say I was thirsty. Did I tell you I was thirsty?

The CHAIRMAN. You must have been thirsty or you would not get out to get a drink.

Mr. BRESNIHAN. Certainly; but it is not necessary to be thirsty to get out and take a soft drink, is it?

The CHAIRMAN. Did you take a drink? What did you drink?

Mr. BRESNIHAN. It was a soft drink of some kind—ginger ale, Coca Cola, or something to that effect.

The CHAIRMAN. What did this witness drink?

Mr. BRESNIHAN. I don't quite remember whether he taken a drink of whisky or a bottle of beer; I forget now.

The CHAIRMAN. You suggested that you get out and take a drink?

Mr. BRESNIHAN. Yes, sir; I suggested it; I was the one.

The CHAIRMAN. Go ahead, Mr. Grace.

Mr. GRACE. Fosberry did not have any money to make any suggestion of that kind, did he?

Mr. BRESNIHAN. Certainly not. So far as my knowledge is concerned, I don't think he had any money.

Mr. GRACE. What about Bazzar?

Mr. BRESNIHAN. He is what we call the keeper of the city lot. That is situated catacornered from the city stables, where I have my office. Mr. Bazzar told me, in fact, after I inquired from him what he knew about the spending of money in the fifth ward, he told me that he had seen one Joe La Torre pay to John Aulberry and August Rowe, I think it was $10—the affidavit will substantiate whatever it is—$10 each, and several others they had around the polls, for voting. He also said that this fellow had told him that he had $600 to carry the ward for Whaley and could get $1,000. I told him, "Sometime or another, when you have time, go down to Mr. Cosgrove's office, some afternoon when you get off from work, and make an affidavit to that effect." He said he would. When he decided to go down he told me, and I telephoned Mr. Cosgrove and told him to expect Mr. Bazzar down, that between half past 5 and 6 he could expect him, and that I would meet him there, because I did not know whether he knew Mr. Cosgrove, and I did not know whether it would be necessary to have any witnesses. I went down and was present when Mr. Bazzar made the affidavit. Mr. Cosgrove did not seem to recollect that, but I do. He made out the affidavit to what he had told me, and Mr. Cosgrove read the affidavit to him, and Mr. Bazzar signed it. At that time I never knew Mr. Bazzar could not write or read. I never knew Mr. Bazzar could not write or read until I read in the newspapers of the affidavit he had made for Mr. Whaley. When I seen it I was so utterly surprised I went at once to Mr. Bazzar—I addressed him as "Mike"—and I says, "Mike, what have you done, anyway? You have gone and made another affidavit." He said, "Well La Torre come to my house with his wife, and Mrs. La Torre was crying——"

Mr. STEPHENS. I do not think this is important.

Mr. GRACE. I think it is very important.

Mr. STEPHENS. I do not think so. I do not think it is at all competent for this man to testify to what Bazzar told him about this matter at all. It is not in contradiction of Bazzar, properly speaking. Of course, Bazzar has made an affidavit to a certain state of facts. If you can contradict him on that particular state of facts, it would be a different proposition; but just putting in a lot more of hearsay testimony, such as we have had thrown out here, from time to time, is not proper.

Mr. BRESNIHAN. Mr. Bazzar swore that he did not know what he was signing, that Mr. La Torre deceived him.

Mr. STEPHENS. Let Mr. Bazzar make an affidavit or testify to that.
The CHAIRMAN. What nationality is Mr. Bazzar?
Mr. BRESNIHAN. Italian.
The CHAIRMAN. How long has he been in this country?
Mr. BRESNIHAN. I do not know; I never knew him until two years ago.
The CHAIRMAN. Do you know whether he can write or read English?
Mr. BRESNIHAN. I know he can write, because he signed his name to that affidavit for Mr. Cosgrove.
The CHAIRMAN. Do you know whether he can read English or not?
Mr. BRESNIHAN. I did not know it until I seen where he made a statement for Mr. Whaley stating he did not know how to read nor write, and he said that Mr. La Torre told him that he had got him to sign the affidavit, stating that he could not get any money from Mr. Whaley.
Mr. STEPHENS. That is getting right back to the original proposition of more hearsay.
The CHAIRMAN. He is reciting what this man swore to.
Mr. FREAR. That is already in the record.
The CHAIRMAN. He was going on to recite what Mr. La Torre's wife said to him.
Mr. BRESNIHAN. Not his wife, but Mr. La Torre himself.
Mr. STEPHENS. What Bazzar said Mr. La Torre said to him?
Mr. BRESNIHAN. Yes.
(After extended informal discussion:)
Mr. GRACE. What is the ruling with reference to Bazzar?
The CHAIRMAN. Pass on to the next matter.
Mr. GRACE. Were you connected with the Nolan affidavit?
Mr. BRESNIHAN. No, sir.
Mr. GRACE. These are the only two parties that Mr. Whaley in his argument connected Mr, Bresnihan with. Mr. Bresnihan, as to all the testimony you have taken in this case or had anything to do with, has it been spontaneous and have you suggested in any respect that a witness should not tell the truth?
Mr. BRESNIHAN. None at all; no, sir.
Mr. GRACE. What have I told you and everybody connected with the collection of evidence in this case, not only the rule I was going to follow, but that you must follow?
Mr. BRESNIHAN. You told us to take no——
The CHAIRMAN (interposing). You need not answer that question. It does not make any difference what you told them.
Mr. GRACE. I have impressed them from the beginning that all we have to do to win out is to tell the truth; that the power of truth would win this case.
The CHAIRMAN. If we would permit that kind of testimony we should never reach the end of the case.
Mr. GRACE. I am through with the witness.
Mr. FREAR. Have you anything further to say?
Mr. BRESNIHAN. Yes, sir; I would like to say a few words in regard to these other affidavits.
Mr. FREAR. In rebuttal of anything that has been said?
Mr. BRESNIHAN. No, sir. When John Aulberry made his affidavit I was present. I was present when he took out the affidavit, and told me all that Mr. La Torre tried to get him to make out in rebuttal denying what he said was the truth. He said he would not perjure himself for Mr. La Torre or anybody else. He told me Mr. La Torre told him that he was going to get Bazzar to do the same thing.
Mr. STEPHENS. Mr. Chairman, that is subject to the same objection as the Buzzar testimony, and I do not see any use in putting in the record a lot of stuff that is irrelevant and immaterial and incompetent.
The CHAIRMAN. No; we have had enough of that.
Mr. FREAR. Have you anything else in mind?
Mr. BRESNIHAN. I would like to make a statement about what Mr. Dawson told me.
Mr. FREAR. Along the same line?
Mr. BRESNIHAN. Yes; in regard to this investigation and some information he had in regard to spending money.
The CHAIRMAN. We do not care for any more of that.
Mr. FRENCH. Whom did you support in the campaign for Congress?

Mr. BRESNIHAN. Mr. Hughes.

Mr. FRENCH. Was there an organization known as the Hughes organization working for him?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. Was there an organization known as the Whaley organization working for Whaley?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. Did the Hughes organization spend money for Hughes?

Mr. BRESNIHAN. Not to my personal knowledge, although I do know they spent money. They spent lots of money.

Mr. FRENCH. Who contributed the money?

Mr. BRESNIHAN. I don't know who contributed the money. From what I understand, Mr. Hughes spent it all himself. My belief was that Hughes spent $30,000 or $40,000.

Mr. FRENCH. Did you hear of anybody else contributing money to that fund?

Mr. BRESNIHAN. To Hughes's fund?

Mr. FRENCH. Yes.

Mr. BRESNIHAN. No, sir.

Mr. FRENCH. Was it spent in these wards in the same way that you understand that money was spent by other candidates?

Mr. BRESNIHAN. Exactly.

Mr. FRENCH. Was there a Whaley organization working for Whaley?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. In the primaries?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. What is your understanding in regard to the money spent by that organization, or what do you know about it?

Mr. BRESNIHAN. I know that he spent lots of money in regard to all the affidavits and all those things, and what you can hear around.

Mr. FRENCH. Were you there in the city on the day of the primaries or the day the election occurred?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. Both primaries?

Mr. BRESNIHAN. Yes, sir; in the third ward.

Mr. STEPHENS. Which club in the third ward?

Mr. BRESNIHAN. Those clubs are right together, next door.

Mr. FRENCH. Did you have a rallying club?

Mr. BRESNIHAN. Yes, sir; we have a rallying club.

Mr. FRENCH. How many members constitute that club?

Mr. BRESNIHAN. I do not know; I don't remember now.

Mr. FRENCH. In a general way, could you give us an idea about how many there may be?

Mr. BRESNIHAN. There may be 25 or 30.

Mr. FRENCH. Is this the third ward?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. Did the Whaley organization have a rallying club in that same ward?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. How large was it?

Mr. BRESNIHAN. I suppose maybe 15 or 20.

Mr. FRENCH. Your club was larger?

Mr. BRESNIHAN. Yes, sir.

Mr. FRENCH. What do you know about whether or not the members of this rallying club were under pay?

Mr. BRESNIHAN. Only from hearsay.

Mr. FRENCH. Were the members of your club under pay?

Mr. BRESNIHAN. Only from hearsay.

Mr. FRENCH. How were they paid?

Mr. BRESNIHAN. They were paid maybe $5 or $10 or $20 or $25 a man. It all depends on what a man can do and what he is worth on election days—what influence he can bring to bear for getting votes. As far as seeing any of that paid or anything of that kind, I don't know. I have heard that they have got the money and been paid.

Mr. FRENCH. Was this contest one that began last year or have the representatives of the rival factions been fighting in Charleston for years?

Mr. BRESNIHAN. I think they have been fighting for years.

Mr. FRENCH. Are there others beside Whaley and Hughes who might be interested in the success of one faction or another?

Mr. BRESNIHAN. Mr. Grace would be interested in Mr. Hughes's success. Is that what you mean?

Mr. FRENCH. That is partly what I mean. Are there those who would be interested in a factional way in the success of Whaley or Hughes, besides Whaley and Hughes?

Mr. BRESNIHAN. Yes. The sheriff there, Martin, would be interested in Whaley's success.

Mr. FRENCH. Who else would be interested in Whaley's success as a leader of faction?

Mr. BRESNIHAN. Martin is all I know of.

Mr. FRENCH. Is he an official?

Mr. BRESNIHAN. Yes, sir; he is the sheriff—the county sheriff.

Mr. FRENCH. Are there other men identified in the community with the faction who, through no hope of holding office, might be interested in the success of it?

Mr. BRESNIHAN. Not as I know of.

Mr. FRENCH. Who would be interested in the success of the Hughes faction?

Mr. BRESNIHAN. As I told you, Mr. Grace and his friends, and Mr. Hughes's friends.

Mr. FRENCH. That is all, Mr. Chairman.

Mr. STEPHENS. You say you voted in ward 3?

Mr. BRESNIHAN. No, sir; I voted in 2.

Mr. STEPHENS. Were you at ward 3 on the day of election?

Mr. BRESNIHAN. Exactly.

Mr. STEPHENS. How much time did you spend there?

Mr. BRESNIHAN. I spent all day there.

Mr. STEPHENS. Working for Hughes?

Mr. BRESNIHAN. Exactly.

Mr. STEPHENS. As I understand it, there were two clubs in ward 3?

Mr. BRESNIHAN. Clubs 1 and 2.

Mr. STEPHENS. They were both right together?

Mr. BRESNIHAN. Right together.

Mr. STEPHENS. So you could see what was going on in both clubs during the day?

Mr. BRESNIHAN. Exactly.

Mr. STEPHENS. I want to ask you how much money you saw expended there that day?

Mr. MCCLELLAN. That is in ward 3?

Mr. STEPHENS. Yes.

Mr. BRESNIHAN. I do not know as far as my personal knowledge is concerned.

Mr. STEPHENS. You saw none yourself?

Mr. BRESNIHAN. Yes; I saw money handled on both sides. I seen men passing and exchanging money.

Mr. STEPHENS. Who handled it?

Mr. BRESNIHAN. Do you mean for both sides?

Mr. STEPHENS. Yes.

Mr. BRESNIHAN. A fellow by the name of Goldman handled money for Whaley.

Mr. STEPHENS. How much did you see him handle?

Mr. BRESNIHAN. I don't know how much he handled. He had money.

Mr. STEPHENS. How much did you see him have?

Mr. BRESNIHAN. I could not see it.

Mr. STEPHENS. State the size of the wad he had there, if you do not know how much it contained.

Mr. BRESNIHAN. I seen money in his hand, but I could not state the size of the wad or anything like that. It is a hard proposition to see a man's wad, because he generally don't pull that out.

Mr. STEPHENS. To whom did you see Goldman pay money?

Mr. BRESNIHAN. I could not say I seen him pay money to anybody.

Mr. STEPHENS. Then you did not see anybody pay money out for the purpose of buying votes for Mr. Whaley?

Mr. BRESNIHAN. I knew they were doing it.

Mr. STEPHENS. That is not the question. Did you see anybody do it?

Mr. BRESNIHAN. No; but I seen them go over to the polls and bring them around the corner. They did not bring them around the corner for anything else but to pay them.

Mr. STEPHENS. Did you see the money pass?

Mr. BRESNIHAN. No; I did not.

Mr. STEPHENS. Did you handle any money yourself?

Mr. BRESNIHAN. No, sir; never handled a dollar in my life in elections.

Mr. STEPHENS. I noticed from the record here that Mr. Whaley got very few votes in ward 3, club 2. That is where you were working?

Mr. BRESNIHAN. Yes, sir.

Mr. STEPHENS. He got very few votes there?

Mr. BRESNIHAN. Yes, sir.

Mr. STEPHENS. He got less votes the second primary than the first, did he not?

Mr. BRESNIHAN. Yes, sir.

Mr. STEPHENS. He got 84 votes the first primary and 57 the second?

Mr. BRESNIHAN. Yes.

The CHAIRMAN. Hughes got 495 and Whaley only 57.

Mr. STEPHENS. The first primary Mr. Hughes received 363 and Whaley 84, showing that Whaley lost in the second primary.

Mr. FRENCH. What section of the city is embraced in this area of ward 3?

Mr. BRESNIHAN. It is in the southeastern section, on the east side of town.

Mr. FRENCH. What is the type of people?

Mr. BRESNIHAN. Common people, an ordinary class of people; in other words, the poor people, but good people.

Mr. FRENCH. Are there dives there or blind tigers in that community?

Mr. BRESNIHAN. No more than in any other community, with the exception of what is the strictly fine residential sections.

Mr. FRENCH. Is this near the water front?

Mr. BRESNIHAN. Yes, sir; a portion of it is, and it runs right back to the heart of the city. It starts at the water front and runs into what is known as the main street.

Mr. FRENCH. Is it one of the wards that includes a good many dives and blind tigers?

Mr. BRESNIHAN. There are a good many blind tigers there.

Mr. FRENCH. How many blind tigers are there in the city?

Mr. BRESNIHAN. From what I understand, there are two hundred and something.

Mr. FRENCH. How many would be in this particular ward?

Mr. BRESNIHAN. Maybe about 10 or 15.

Mr. FREAR. It appears from the Whaley vote that the total vote in ward 3 given to Whaley in the first primary was 133 and the second primary 140. He ran ahead in club 1 at the second primary.

Mr. STEPHENS. This man claims to have done most of his work in club 2. That is why I was asking the question.

Mr. BRESNIHAN. No; I worked in both clubs.

Mr. GRACE. They were both right together in the same place.

The CHAIRMAN. You stated that it was common knowledge there and that you observed it; that the buying of votes was plentiful. You had been an officer of the city, had you not?

Mr. BRESNIHAN. In the entire first district; not particularly in that ward.

The CHAIRMAN. What you saw of your own knowledge of buying votes was common, was it?

Mr. BRESNIHAN. In that ward?

The CHAIRMAN. Yes; where you worked that day.

Mr. BRESNIHAN. No, sir; I could not say that, for the simple fact if it was, Mr. Whaley would have put more money down there and would have gotten a larger vote. You can't buy many votes in that ward, because, as a matter of fact, they wasn't there to be bought.

The CHAIRMAN. As a matter of fact, they bought votes right under your nose?

Mr. BRESNIHAN. No; I could not prove they bought votes there. I saw them bringing men to vote and then taking them around the corner.

The CHAIRMAN. And you supposed they were buying votes?

Mr. BRESNIHAN. That is the supposition; yes.

The CHAIRMAN. Did you take any means to determine whether they were buying votes or not?

Mr. BRESNIHAN. No.

The CHAIRMAN. Why didn't you? You were an officer of the city.
Mr. BRESNIHAN. Not necessarily. You can not find out from those people whether they are buying votes or not. They will not let you see it.
The CHAIRMAN. Could you not have walked around the corner to see what they were doing when they took the voters around the corner? Could you not have done that?
Mr. BRESNIHAN. Yes, sir.
The CHAIRMAN. Why did you not do it?
Mr. BRESNIHAN. They would not let you see it if you did go around the corner.
The CHAIRMAN. How do you know?
Mr. BRESNIHAN. I did go once of twice to the corner, and I did not see any money.
The CHAIRMAN. You said a moment ago you did not go.
Mr. BRESNIHAN. I did not see any money passed.
The CHAIRMAN. Which is the truth?
Mr. FREAR. I object to that, Mr. Chairman; he did not say that.
The CHAIRMAN. Did you not say a moment ago that you did not go around the corner to see; that it would not do any good if you had?
Mr. BRESNIHAN. I told you I went as far as the corner and watched those fellows come down the street, but I did not see them pass any money.
The CHAIRMAN. And you were an officer of the city at that time, were you not?
Mr. FREAR. I would like to ask you as garbage inspector what were your duties?
Mr. BRESNIHAN. To see that the garbage has been collected. As far as having jurisdiction as a policeman or anything of that kind, I have not.
The CHAIRMAN. I understand it was not your duty to make an arrest?
Mr. BRESNIHAN. No, sir.
The CHAIRMAN. But as an officer of the city, was it not your duty to see that the laws were enforced?
Mr. BRESNIHAN. No; I have nothing to do with the laws any more than any other ordinary citizen.
The CHAIRMAN. Nothing at all?
Mr. BRESNIHAN. No, sir. I am strictly confined to the collection of garbage; that is my work.
The CHAIRMAN. You did spend that day electioneering for Mr. Hughes?
Mr. BRESNIHAN. Exactly.
The CHAIRMAN. You stated that Mr. Hughes must have spent $30,000 or $40,000. How do you know that?
Mr. BRESNIHAN. Hearsay.
The CHAIRMAN. That is hearsay?
Mr. BRESNIHAN. Yes, sir.
The CHAIRMAN. Mayor Grace was mayor of the city of Charleston, S. C., when this wholesale auction took place?
Mr. BRESNIHAN. Exactly.
The CHAIRMAN. Was there any arrest made of anybody for the illegal buying of votes?
Mr. GRACE. Yes, sir; I will answer that.
The CHAIRMAN. Do you know of any?
Mr. BRESNIHAN. I do not know. I don't remember those things.
The CHAIRMAN. You don't remember those things?
Mr. BRESNIHAN. No, sir; I have no connection with the police, whatsoever. There may have been a hundred and I not know of it.
The CHAIRMAN. As a good citizen holding a position under the city, when you saw that the election was being debauched and the voters were being paid from $10 to $25 a head, do you not think that it was your duty, as a good citizen, to see that that was blotted out and that arrests were made?
Mr. BRESNIHAN. I did not see anybody, as I told you just now. I seen those people and I feel from the knowledge that I have gotten from the affidavits and all—but to actually prove that they handed the money from one person to another, I did not see it.
The CHAIRMAN. When you saw them taking men into the polls to vote and thought they were paid, and going around the corner with those men, didn't you think that good citizenship would have demanded of you to inform the police and break up that practice?
Mr. BRESNIHAN. How could I prove it?

The CHAIRMAN. Couldn't you have gotten the police to stop it?

Mr. BRESNIHAN. No, sir; it was not my business.

Mr. FREAR. If you had seen such corruption in the city of Charleston as has been testified to, do you believe that your testimony would weigh any more with this committee than the testimony submitted in the record by a dozen witnesses would weigh?

Mr. STEPHENS. Now, Mr. Chairman, I will object to that question because it is a conclusion, and it really looks to me, although I do not think my friend intends it, that it presupposes that the witness may answer the question in such a way as to reflect upon the committee, that we would not want to regard anything that this man says.

The CHAIRMAN. I think there is a misunderstanding between you and me. First he said he did go around the corner and then, in answer to the next question, he said he did not go around the corner. In other words, the witness has made two different statements.

Mr. BRESNIHAN. No; I said I went *to* the corner; I did not say I went *around* the corner.

Mr. STEPHENS. Even if that is so, Mr. Chairman, you know that sometimes when we get to examining a witness and we get a little warmed up we ask questions which are not really proper and legitimate. But, then, Brother Frear is a cold-blooded proposition; he is not heated up like Mr. Post, and I will object to the question.

The CHAIRMAN. I do not think the question——

Mr. FREAR [interposing]. Well, I withdraw the question. I think the effect upon the committee must be apparent.

Mr. GRACE. What makes you think that the witness would answer that question in such a way as to reflect upon the committee? Is it a case where the wicked fleeth where no man pursueth?

The CHAIRMAN. It calls for a conclusion.

Mr. BRYAN. Mr. Bresnihan, you are employed in the street department?

Mr. BRESNIHAN. That is right.

Mr. GRACE. Pardon me, Mr. Bryan, I will state that I did not have any chance to cross-examine Mr. Whaley.

Mr. FREAR. That is all understood.

Mr. GRACE. I wish I had.

The CHAIRMAN. Well, I will be perfectly frank with you. I will state that Mr. Whaley said that his relations were such that your conduct would be such toward him that he thought it best, in the interest of harmony and peace, for him not to be present.

Mr. GRACE. Well, I might have had an attorney here. I am appearing as complainant in this case. I was not even notified of the hearing.

The CHAIRMAN. Why should you be?

Mr. GRACE. What? Why should I be?

The CHAIRMAN. Yes.

Mr. GRACE. Why this is unprecedented.

The CHAIRMAN. Under those circumstances?

Mr. STEPHENS. Let me suggest right in this connection that it was stated, as I recall, that Mr. Whaley would be given an opportunity to appear. Was not that the understanding of the committee? That statement was made in the presence of Mr. Grace while he was in this room. I will ask you whether or not you did not ask the chairman for an opportunity to appear when Mr. Whaley came before the committee?

Mr. GRACE. I would have considered it really almost an impeachment of the chairman's intentions to have requested him to notify me after I went all the way to Ohio, to his home, and asked him what he wanted me to do. and he told me that when he got back to Washington he would let me know what he wanted me to do. And the next I heard of it was that they had had these hearings.

The CHAIRMAN. I feel very sorry for you, Mr. Grace, but you can not bulldoze me. You came into this room the other day and told me that if I would not grant you a hearing you would get back at me.

Mr. GRACE. You can not prove that.

The CHAIRMAN. I can prove it.

Mr. GRACE. The lady was here, and I will leave it to her. I will never question the lady's word, and if she says to the contrary I will submit. I will say this: I am in the city of Washington. Meet me on equal terms anywhere else

and your word and mine will not stand together. It is a question of who is telling the truth, and if you want the test meet me anywhere, and if Mr. Whaley——

The CHAIRMAN (interposing). Now, you treat me and the members of this committee with respect and decency, or you will not have the privilege of appearing before us.

Mr. GRACE. Let me say to you, Mr. Chairman, that I realize that Christ himself had to pray before Pontius Pilate.

The CHAIRMAN. Have you any other witnesses to produce?

Mr. STEPHENS. Who is the Christ in this proceeding?

Mr. GRACE. Not I. God knows I do not say that in any sacrilegious sense, but I want to show——

Mr. CRISP (interposing). Mr. Chairman, I have listened to this proceeding until I am thoroughly disgusted with it. This is not a court nor a town meeting, and, so far as I am concerned, if this hearing is not conducted in an orderly and decent way I shall leave the committee room.

The CHAIRMAN. I subscribe to that.

Mr. FREAR. I suggest that we let Mr. Bryan proceed.

Mr. BRYAN. Mr. Bresnihan, when were you appointed inspector of garbage in the city of Charleston?

Mr. BRESNIHAN. November 1, a year ago.

Mr. BRYAN. By who were you appointed?

Mr. BRESNIHAN. By Mayor Grace.

Mr. BRYAN. What buggy was that in which you took Mr. Fosberry down to get a drink?

Mr. BRESNIHAN. I have already explained that; the city buggy.

Mr. BRYAN. Who paid for the drinks?

Mr. BRESNAHAN. I did.

Mr. FREAR. That is the testimony on direct examination.

The CHAIRMAN. Anything further?

Mr. GRACE. Nothing further.

The CHAIRMAN. Have you any further witnesses?

Mr. GRACE. Well, no; but I have a great deal of material that I want to put in.

Mr. FREAR. Let us see what it is, Mr. Grace, and let us see if it is material.

Thereupon, at 1.30 p. m., the committee took a recess until 2.30 p. m.

AFTER RECESS.

The committee reconvened at 2.45 o'clock p. m.

Mr. GRACE. Will you permit me to ask if Mr. Bryan is to talk or has he any status in this case?

The CHAIRMAN. He has the privilege to talk if he wants to. I do not know what his connection is.

Mr. GRACE. Then, suppose you let him go ahead. I would like to know what he is here for.

Mr. FRENCH. If he comes as a witness we will hear him at any time, but if he comes to argue the case I would suggest that it would be more orderly to wait until after the hearings are ended.

Mr. BRYAN. I have no desire or inclination to argue the case unless requested to do so by the committee. Mr. Whaley's attitude about the matter was that he was to have counsel only at the suggestion of Mr. Frear and Mr. Frear said when he was here before: "Why did you not have your representative?" You will find that in the record, and it was in view of that suggestion that Mr. Whaley asked me to appear as counsel if it was acceptable to the committee. But neither he nor I have any inclination to argue the matter unless the committee desires it.

Mr. FRENCH. If Mr. Grace will permit, I would like to ask him a few questions along the line of the questions that I asked one of the witnesses this morning touching upon certain features of the case.

Mr. GRACE. You want to ask me those questions?

Mr. FRENCH. Yes.

Mr. CRISP. Had not Mr. Grace better be sworn?

Mr. FRENCH. You could swear Mr. Grace now.

The CHAIRMAN. Just take his statement. We did not swear Mr. Whaley.

Mr. CRISP. I was not here when Mr. Whaley was here, and, of course, I have no desire to have Mr. Grace sworn, but I thought as the other witnesses were sworn——

Mr. GRACE (interposing). I am perfectly willing to be sworn.

The CHAIRMAN. Well, go ahead.

Mr. FRENCH. We have had testimony showing that there was an expenditure of money by both sides?

Mr. GRACE. Yes, sir.

Mr. FRENCH. And you were identified with the Hughes campaign. What do you know about the expenditure of money there in the Hughes campaign?

Mr. GRACE. I know that there was an expenditure of a great deal of money on the Hughes side.

Mr. FRENCH. Can you estimate the amount that was expended?

Mr. GRACE. Yes, sir.

Mr. FRENCH. What would you place the amount to be?

Mr. GRACE. $44,500.

Mr. FRENCH. Who contributed that money?

Mr. GRACE. Well, I can not say that. I can say that I did not personally contribute one penny, if that is what you mean.

Mr. FRENCH. Well, was it contributed by Mr. Hughes or largely by him?

Mr. GRACE. I think almost entirely by Mr. Hughes.

Mr. FRENCH. Well, were there forces working with Mr. Hughes who would have maintained a certain prestige if they could have brought about his nomination, who would be interested in having him nominated?

Mr. GRACE. I do not think so. Mr. Hughes has had an ambition to go to Congress, he has had an ambition to be a Federal judge, and he has had an ambition to be mayor.

Mr. FRENCH. You think then that he contributed almost entirely to the fund that was used in his behalf.

Mr. GRACE. I do, sir, almost entirely.

Mr. FRENCH. Well, what of the organization back of the several candidates in the first primary? Was there organizaion behind each candidate?

Mr. GRACE. In the city of Charleston, in the first primary, the organization which largely fights me was pretty well divided between Mr. Whaley and Mr. Von Kolnitz. Mr. Von Kolnitz is a lawyer there and in 1896 he went out and stumped for McKinley. He was paid by the Republican committee for stumping for McKinley, and I stumped for Bryan. So that as far back as 1896, I having cast my first vote in 1896, we have disagreed on politics. In the course of time, in 1902, Mr. Von Kolnitz came back into the Democratic Party, and ran in the Democratic primary for the State senate. At that time I was secretary for Col. William Elliot, Member of Congress from the first South Carolina district, and he was then running for the United States Senate. I had charge of his Columbia headquarters and I came out and did everything in my power to get some one to run against Mr. Von Kolnitz in the Democratic primary for the State senate. At that time Senator Tillman came out very strongly against Mr. Von Kolnitz running. That was shortly after the schism in the party in 1896. I had exhausted every effort, and at the last minute I came out and ran against Mr. Von Kolnitz for the State senate. That was my first venture into politics as a candidate in any respect, and almost in any respect except as secretary for our Congressman. I have here the first speech that I made. I brought that along to show the divergence of these parties in Charleston and what developed this present money condition.

Mr. FRENCH. Now, that is leading immediately to what I was asking.

Mr. GRACE. Yes, sir.

Mr. FRENCH. Mr. Von Kolnitz was supported by an organization, too, in the first primary?

Mr. GRACE. Mr. Von Kolnitz was supported by an organization, too, in the first primary, consisting largely of his own friends, because he is a very popular man personally.

Mr. FRENCH. Did that organization spend money?

Mr. GRACE. Yes, sir; I am told so. I do not know of my own knowledge, but I am told that Mr. Von Kolnitz is very bitter to-2day because he turned over his money to the sheriff of Charleston County to be used for him, and about 10 o'clock on election day in the first primary the sheriff of Charleston County, who is my opponent——

The CHAIRMAN (interposing). You mean Sheriff Martin?

Mr. GRACE. Yes, sir; my bête noir, so to speak. He went all over the city telling people that Von Kolnitz had gone out of the race to such an extent that Von Kolnitz had to go all over the city in an automobile and get the people to come back and support him.

Mr. FRENCH. That was in the first primary.

Mr. GRACE. Yes, sir. I understand that Mr. Von Kolnitz spent nearly $5,000. He was bawled out in the first primary or he would have polled a larger vote. I saw men at the polls who told other men to shift from Von Kolnitz to Whaley. And I heard Von Kolnitz's son rush up and say: "What do you think they are doing? They have spread around the rumor that father is out of the race." He ran around with the chairman of the executive committee to get them to deny that such was the case, because everybody has to go by what the executive committee does. Whaley ostensibly did not have the backing of Sheriff Martin in the first primary. But Sheriff Martin knew that I was behind Hughes. Of course, the whole truth was that I was the issue. Mr. Hughes is correct when he says that, although it is entirely wrong for them to refer to Mr. Hughes as a wax figure. I did everything I could for Mr. Hughes without a single, solitary promise of any kind from him. Now, after this switch, which took place early in the day of the first primary, it was notorious that Martin was for Whaley from that time on to the second primary. Now, later you will see the bearing of this. Mr. McClellan, I think, brought out the idea or created the impression, unintentionally, that when I was in charge Mr. Whaley did not get many votes. You will see that I was referring to ward 9. Mr. Whaley did not get many votes in ward 9 in the first primary because Sheriff Martin was supporting Von Kolnitz. It was not until later in the day that he got any votes at all. But in his second primary it was larger.

Mr. FRENCH. He got 30 in the first primary.

The CHAIRMAN. He got 37 and 30 in the first primary and 98 and 84 in the second primary.

Mr. GRACE. That is right.

Mr. STEPHENS. He got practically the opposition to Hughes.

Mr. GRACE. Well, he got almost what I might say was the opposition to Hughes in the second primary, but not in the first.

Mr. FRENCH. Mr. Hughes in the second primary was two short in the second ward and one ahead in the first ward. And so he came within one vote——

Mr. STEPHENS (interposing). He was four ahead.

Mr. GRACE. After the first primary Mr. Hughes got comparatively few votes in the country. You will notice that. You will find that is so. Now, between the first and second primaries—I had been running the situation in the city in the first primary, and when I realized how bad a mess they had made of it in the country in the first primary I practically took charge of the situation in the country, with the result that in the second primary Mr. Whaley lost the counties that he carried in the first primary. In the first place, Mr. Whaley had spread through the country some rumors about Mr. Hughes, and they were insidious rumors to the effect—Mr. Hughes and Mr. Whaley are Episcopalians; they go to the same church and sit practically in the same pew, and Mr. Whaley had reported to various people that Mr. Hughes was a Catholic. I am a Catholic——

Mr. STEPHENS (interposing). Mr. Chairman, I think that is far enough.

Mr. GRACE. Well, I only want to show what they were doing in the first and second primaries, and we had to go to Mr. Hughes's church——

Mr. FRENCH (interposing). Well, I did not want to go into that. Were there other parties who contributed money to Mr. Von Kolnitz's campaign besides Mr. Von Kolnitz himself?

Mr. GRACE. I heard that there was one who contributed through personal friendship. I do not think he got any political contributions.

Mr. FRENCH. Was there a condition that would have brought contributions to Mr. Padgett and Mr. Penrifoy?

Mr. GRACE. No; you will find that neither got any votes in Charleston.

Mr. FRENCH. Well, were there conditions in the second primary that would have led others besides Mr. Hughes and Mr. Whaley to contribute to the campaign fund?

Mr. GRACE. On Mr. Hughes's side, very little. I was a close man to him, and I did not contribute a penny. My understanding was that I had just about spent all the money I could stand in politics, and that while I wanted to see him win, he ought not to go into that race. It was understood from the beginning that it was a race in which the man who had the most money was going to win.

That was the issue. Mr. Hughes has lots of money; he is supposed to be rich. He has a fine house.

The CHAIRMAN. What is his supposed fortune?

Mr. GRACE. I do not know, but he had the money all right.

Mr. FRENCH. Did that second campaign turn in large part on yourself and your administration of the city?

Mr. GRACE. It did, sir.

Mr. FRENCH. It did?

Mr. GRACE. Yes, sir; in the city of Charleston. Nothing that they could say about me could possibly injure me. My administration spoke for itself.

Mr. FRENCH. But was it an issue and did it align your friends on the one side and those who had been antagonistic to your election as mayor upon the other side?

Mr. GRACE. Yes, sir; to a large extent; the lines were practically Grace or anti-Grace in the city. I said: "Don't you see they are putting it in the papers that this is a fight against Grace?" And they said: "Well, whenever it comes to your issue we are with you, but you are not the issue." In this case he had gotten a lot of my friends away by telling them that it was not a fight against Grace, that I was not the issue after all, and when my election came we would probably be together; and when people came to me and told me that I said: "Do not accept any of that kind of business, this is a fight on me." I went all over the city to my friends, and I found that a good many of these people had been promised jobs for doing this work.

Mr. FRENCH. But, generally speaking, the lines were practically drawn as in the first campaign for mayor.

Mr. GRACE. In the city of Charleston.

Mr. FRENCH. That is all I want to take up at this time.

Mr. GRACE. I want to say this, Mr. Chairman: That I have definitely the names of the gentlemen who, with Mr. Whaley's knowledge and consent, organized and collected the immense campaign fund for Mr. Whaley, which was distributed through his office and with his knowledge, and in many cases he sent people to his cashier to get the money, amounting to thousands and thousands of dollars. That fund he collected from these people entirely on the theory that he was not fighting Grace.

Mr. FRENCH. Now, this is very interesting, and I think we ought to go further into it. Where was this money collected from?

Mr. GRACE. Largely by Mr. Peters, who was afterwards appointed collector of the port after Mr. Whaley was nominated. He is now collector of the port. I have proof of this. It was collected by Mr. Peters and by Mr. McLeod, who was very much anti. Later he and I have formed better relations. He did not belong in Charleston. He came there with a very misguided opinion of me. At that time McLeod and Peters organized a committee and collected campaign funds which were used with Mr. Whaley's knowledge and consent.

Mr. FRENCH. How was it collected?

Mr. GRACE. Some of it was collected from Mr. Whaley's relatives. Now, I notice he says he is not rich, but when W. B. Smith, his grandfather, died everybody knew that W. B. Smith was the richest man in the State of South Carolina. I understand Mr. Whaley is one of his favorite grand children. Now, I will admit that his estate may be decreased in value. For instance, he owns an interest on a water front which has decreased to-day, but for him to get up and declare that his whole family connections are not enormously rich would be ridiculous in Charleston.

Mr. FRENCH. To what other sources did these people go to collect this money for Mr. Whaley's campaign?

Mr. GRACE. I heard that $20,000 came from certain cotton-mill interests.

The CHAIRMAN. What cotton-mill interests?

Mr. GRACE. At that time the question of cotton and the cotton schedule on Southern cotton was an important question. The Southern cotton people were maintaining a lobby here for the sake of getting a little better conditions through the tariff bill on manufactured goods, which we manufactured as against the New England mills.

Mr. FRENCH. Give us the names of those cotton mills.

Mr. GRACE. Well, I could not.

The CHAIRMAN. Give us the names of those cotton mills that gave contributions.

Mr. GRACE. I could not tell you that. I say this, Mr. Post: I have no definite information about this, but this is a presumption. I will tell you that they

have been very secretive about where the money came from. I can only prove by the way in which it was spent and how it was spent. For instance, I am going to put in the record my affidavit——

The CHAIRMAN (interposing). Mr. French has been trying to get you to tell us about these cotton mills. You said you had the means of telling how he collected those large sums of money.

Mr. GRACE. I think I told you that it was Mr. Peters. I think I could tell you some of the people who made contributions.

Mr. STEPHENS. How do you know that Mr. Peters collected this money for Mr. Whaley?

Mr. GRACE. Well, I tell you, Mr. Stephens, I know, but, if you will promise me on your oath as a gentleman and you will exclude Mr. Bryau from the room and Mr. Whaley's representative, and if all this committee will promise me as gentlemen—unless you people are going to subpœna these people to tell you what they know, I would like to wait until something is done in this case. In other words, I am put in the position of telling you what I know and then having Mr. Whaley go down there and set every piece of machinery to work to stop the mouths of the people.

Mr. STEPHENS. But, Mr. Grace, allow me to suggest here, that this is a public hearing and the committee is not called upon to take any oath in this matter. You are asking us to go to the House and ask for authority to investigate this matter further, and the committee is seeking now to find out what information you have and the sources of that information. So that we can base our action upon something tangible. Now, if you have anything here that shows that this money was collected and spent illegally I think it is proper for you to state it, and it is proper for the committee to have the benefit of that statement.

Mr. GRACE. Well, Mr. Sephens, I stated in a general way that this money was collected in that way.

Mr. STEPHENS. Now, let me say further, that from hearsay you think that perhaps $20,000 was collected from cotton mills, and you admit that that is hearsay?

Mr. GRACE. Yes, sir; on that point I have nothing but that.

Mr. STEPHENS. And because of that statement, I think it is absolutely necessary that we should go further with you and find out whether it is hearsay with the other matters.

Mr. GRACE. Well, I told you as to that that it is hearsay, and therefore you know on my word of honor that it is hearsay and, on my word of honor, I tell you that the other is not hearsay.

The CHAIRMAN. Mr. Grace, if you know from whom Mr. Peters made his colections, tell it.

Mr. GRACE. You ask me do I know that?

The CHAIRMAN. You said you did.

Mr. GRACE. Yes, sir.

The CHAIRMAN. Give us the names.

Mr. GRACE. Well, F. D. Peters.

The CHAIRMAN. From whom did he make the collections?

Mr. GRACE. In the first place, he was not only a collector, but a substantial contributor.

The CHAIRMAN. How much did he contribute?

Mr. GRACE. I really do not know.

The CHAIRMAN. Well, he made up a fund?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Now, give us the names of those from whom he collected.

Mr. GRACE. Well, Mr. Chairman, unless you compel me, I would like to go on with my story as far as I can. So far as giving the names to the committee——

The CHAIRMAN (interposing). To be frank with you, Mr. Grace, we are tired of having these hearsay matters. If you have anything substantial, lay it out upon the table in front of the committee. I ask you if you know who made the contributions to Mr. Peters. Let us have their names and where they live.

Mr. GRACE. Well, Mr. Post, we might as well face the issue right now.

The CHAIRMAN. That is what we are trying to do.

Mr. GRACE. I have some stuff here to put in the record, and I do not want what I am going to put in by the answer I would give to go in first. I would like to put in my other stuff first because I know when I answer that question that you are going to tell me that this investigation is at an end. In the meantime I would like you to let me proceed in my own way.

The CHAIRMAN. I do not know that the committee is compelled to let you sit here and proceed in your way and take your own course.

Mr. GRACE. Well, as it allowed Mr. Whaley to tell his story——

The CHAIRMAN (interposing). Do you refuse to answer my question?

Mr. GRACE. What is your question?

(The stenographer read the question.)

Mr. GRACE. Well, as I do not know positively, except as I was told by what I considered reliable parties who he collected the money from, I will answer that question by saying that now I am not in a position to answer it.

The CHAIRMAN. Will the stenographer read that answer?

(The stenographer read the answer.)

The CHAIRMAN. Now you can go ahead.

Mr. FRENCH. Were there other sources still? You have mentioned relatives; you have mentioned these industries that you said were interested in pending legislation. Were there others or does that include the sources from which you understand the Whaley fund was collected?

Mr. GRACE. The other sources I heard—it was rumored that it was the Southern Railway and the Consolidated Railway, which is a large local corporation, and one or two corporations whose interests have always been hostile to me. I said that there might be some truth in that. Of course that is only inference that so far as they could control their men their men went out to the polls and worked and also handled money in the interest of Mr. Whaley on election day.

The CHAIRMAN. Did you see them handle money?

Mr. GRACE. I saw some of it.

The CHAIRMAN. Did you do anything with reference to it?

Mr. GRACE. I did what everybody has been doing for the past 20 years.

The CHAIRMAN. What did you do?

Mr. GRACE. I am doing something now.

The CHAIRMAN. You understood my question.

Mr. GRACE. Do you mean at that time did I arrest anybody?

The CHAIRMAN. Yes.

Mr. GRACE. No, sir; at that time I did not know——

The CHAIRMAN (interposing). Why did not you, as the chief executive official whose duty it was, when you saw money illegally used to debauch the election there, why did you not cause arrests to be made there to bring the people to justice and to punish them?

Mr. GRACE. The first time I came here I told this committee I would not say that I had not known of this years before, that money has been used for votes in Charleston. If I had caused arrests to be made I would have been instantly charged with having used the police force, which was under my control, for political purposes, as, in fact, I was charged. As a matter of fact, not in my presence but in my absence, men were arrested at the polls for buying and selling votes and taken to the station house, and Mr. Whaley's partner stayed there all day to put up the money to bail them out. In one case he gave $100. He has got that in his expense account because he knows that I know it. Now, does not that prove——

The CHAIRMAN (interposing). Go ahead.

Mr. GRACE. Have I answered your question?

Mr. FRENCH. That was the extent of it.

The CHAIRMAN. Who was the other man whom you said besides Peters collected a large fund?

Mr. GRACE. Mr. McLeod.

The CHAIRMAN. How much money did he raise?

Mr. GRACE. They worked together, Mr. Peters and Mr. McLeod.

Mr. FRENCH. Do you know the source from which Mr. McLeod——

Mr. GRACE (interposing). Not positively.

The CHAIRMAN. All you know about it is hearsay.

Mr. GRACE. All I know about it is hearsay.

The CHAIRMAN. That is all.

Mr. GRACE. I know that the money was used. I saw it used—actually saw it used on election day. I have got an affidavit here. I did not care to make the affidavit, but I am driven to a proposition now where I have got to make an affidavit, and I will file it, too, in a few minutes. But I went into ward 10 personally on election day and saw Frank Simmons, a member of the city council; in fact, when I went into the ward I heard him there. I had previously spoken to him and asked him how he could take part in a fight which

they said in the newspapers was directed against me and my administration, and his answer was that he was under obligations to some of Mr. Whaley's friends and that I was not an issue and that he felt justified in taking that stand. So when I went into ward 10 on election day they told me that Frank Simmons was in a little outhouse near the polls buying votes, and I saw men go in there, get their ballots scratched, vote them, go back again and apparently get their money. I said, "I am going in there myself." I went in there through a little hallway and saw Frank Simmons sitting in a little room, with a table filled with money. I says, "Frank, this is what you are doing, is it?" He said, "Yes; it is all in the game."

Mr. STEPHENS. Have you not told that before?

Mr. GRACE. No, sir; I am going to file the affidavit in the record——

Mr. FREAR (interposing). It is not in the record.

Mr. GRACE. No, sir; I told you that Dan Dean said he was present in Whaley's office when money was passed.

Mr. STEPHENS. Don't you remember that you told about a member of your council going back on you?

Mr. GRACE. No, sir; I am telling you that this same Frank Simmons in another instance went down and got this money. Now, I am telling you for the first time because I just feel like I have got to tell it. I walked in and Frank had the money, and there were two or three men waiting there to be paid for their votes, and he was there with the money in front of him. I said, "This is what you are doing, is it?" He said, "Yes; it is all in the game," and he looked very sheepish about it. He said it was all in the game. I said, "Well, Frank, I do not think that you would take this stand against me," and he said, "You are not an issue in this campaign. I am not against you but I am for Whaley." Now, he must have had at least $2,000 before him on the table and men were waiting there to be paid, and I got into a controversy with Whaley's cousin, Heape, who was drunk. He voted for me when I ran. He said, "You ought not to take this position against Dixie. Dixie is my cousin," and then he said something that is not necessary to repeat here. That is the Frank Simmons who got the money the night before in Mr. Whaley's own office.

Mr. FREAR. What ward is that?

Mr. GRACE. Ward 10.

Mr. STEPHENS. Was that the first or second primary?

Mr. GRACE. That was the second primary.

The CHAIRMAN. What did you do in reference to it?

Mr. GRACE. Well, here is what I am doing.

The CHAIRMAN. Did you do anything then?

Mr. GRACE. No; I reproached him.

The CHAIRMAN. You reproached him?

Mr. GRACE. Yes, sir.

The CHAIRMAN. You reproached him because he was doing that for Whaley and not for Hughes?

Mr. GRACE. No, sir.

The CHAIRMAN. Would you have reproached him if he had been doing that for Hughes?

Mr. GRACE. If he had been doing that for Hughes—a great many other people were for Hughes that I thought should have been——

The CHAIRMAN (interposing). That does not answer my question.

Mr. GRACE. You mean to say, am I consistent? That is the substance of your question.

The CHAIRMAN. I said if you had had this money in this little room that you are talking about—if he had been distributing that money for Hughes would you have reproached him?

Mr. GRACE. No. To be perfectly honest about it, I do not think I would. I was not reproaching Frank Simmons so much that day for spending the money, but I was reproaching him for deserting me.

The CHAIRMAN. He was a traitor in your camp.

Mr. GRACE. No, sir; absolutely not a traitor. He was only a candidate once in his life and then he ran on my ticket. I reproached him mostly that day because of his desertion from me. I knew and everybody else knew that he was handling money, and therefore I can not say, unless you wish me to assume a virtue which I do not possess, that my objection at that time was as to the fact that he was spending the money. My objection at that time and from the day he went into politics until now——

The CHAIRMAN (interposing). Let me ask you this question. If Mr. Hughes had won in that second primary would you have come to Congress to ask for an investigation?

Mr. GRACE. No, sir.

The CHAIRMAN. An investigation of Mr. Hughes?

Mr. GRACE. I would not, but Mr. Whaley would.

The CHAIRMAN. On account of this enormous amount of money?

Mr. GRACE. No sir; Mr. Whaley would have come, and he was getting ready to come.

The CHAIRMAN. You would not have been here.

Mr. GRACE. I would not have been here, I do not think; no, sir.

Mr. STEPHENS. How do you know Mr. Whaley was getting ready to come?

Mr. GRACE. Well, I heard so.

Mr. STEPHENS. He was going to contest the election because Mr. Hughes spent money?

Mr. GRACE. Yes sir; and so Mr. Hughes told me himself.

The CHAIRMAN. Go ahead with your statement now.

Mr. GRACE. Now, I say that I am doing something now about the Simmons incident. I do not expect, unless something like this is done, ever to change that condition down there. What we are doing now is the thing to change it.

The CHAIRMAN. Yes, but you say that if Mr. Hughes had been nominated you would not have had any inclination to change it.

Mr. GRACE. Oh, yes, sir; I would have had every inclination to change it.

The CHAIRMAN. In fact, you just told me that.

Mr. GRACE. No, sir; I think it would have been ridiculous for me to come here and try to unseat Mr. Hughes, whose campaign to a great extent I had managed in Charleston. I believe it would have been done, but I would not have done it.

Mr. FREAR. What is your motive in this proceeding?

Mr. GRACE. Let me show you my motive.

Mr. FREAR. Well, just explain your motive.

Mr. GRACE. Well, fortunately I have the record right here. When I ran for mayor of the city of Charleston after an activity in politics for years, the first time I ever saw a vote bought and sold in Charleston was by the sheriff of Charleston County—Sheriff Martin. I confess it was an absolute shock to me. That was in this very Von Kolnitz campaign. I knew money was being used in that campaign though I did not actually see it until I saw him buy that vote. I thought to myself: "Here is the sheriff of Charleston County out here on the street corner buying votes." So I made up my mind that the only way that we could get down to carrying out the principles which I represent is to do away with money. When I became a candidate for mayor—I read Mr. Whaley's statement the other day that he did not have the organization behind him. Now, let us see what he has behind him, in order to show that it is necessary for me to do this or to quit and turn the power over to money, which has had it in Charleston since it was founded until I was elected. I made several speeches before we had our convention there. I said I was going to run for mayor, and that if I carried the primaries I would work for the adoption of the Australian ballot to do away with vote buying. The old machinery was in the hands of Major Hyde, the chairman of the Democratic party there, under whose auspices I had to run. I had appealed to him through the newspapers to resign but he would not resign. So I had to run in a party against a man who was chairman of that party. I said that if I could possibly carry that convention I would introduce a resolution establishing the secret ballot for the city. Well, I did not carry the convention and how could I do it? The machinery was in the hands of my opponents. This [indicating] is a verified copy of the newspapers showing that record.

The CHAIRMAN. Well, that may be very interesting, but it does not throw very much light on this case.

Mr. GRACE. Yes, Mr. Chairman, but you ask me why I am here, and I show you that unless we can get something——

The CHAIRMAN (interposing). I may not be in a position to do so, but I think I can give you some very wholesome advice if you will go home and follow it.

Mr. GRACE. Well, I do not doubt that, but let me see if I have not done what you would have done to stop it and whether I have not come to the right place to stop it. Now, there is the report of the convention. Mr. Rivers was elected chairman. That is Mr. Whaley's attorney, I might call him, in this

case. He was elected chairman of this convention. The Democratic convention was held at Hibernian Hall and a reorganization was effected. Mr. Whaley presided as chairman. This was two years ago.

Mr. STEPHENS. Mr. Chairman, I think there ought to be some end to this matter. If we are going into the history of conventions and elections in the State of South Carolina, we will never get through. Now, if this matter throws any light on the question, of course, it ought to be admitted. But I do not see how it sheds one ray of light on this situation, and I am going to object to this procedure taking up the time of the committee by reciting the proceedings of conventions. Let us get down to the issue, whether money was spent down there, and if so, who spent it, and who can you prove it by.

Mr. GRACE. Well, in Mr. Whaley's remarks he told you how I had been the representative of corrupt politics, and he told you how I had been kicked out of these conventions, and he gave you the idea that I was——

Mr. STEPHENS (interposing). I do not think the fact of whether or not you were kicked out of a convention has anything to do with this matter.

Mr. GRACE. Well, he was not interrupted.

The CHAIRMAN. You are a lawyer, are you not?

Mr. GRACE. Yes, sir.

The CHAIRMAN. The fact that Mr. Whaley was throwing in something that was irrelevant would not justify you in doing the same thing, would it?

Mr. GRACE. No, sir.

The CHAIRMAN. The only thing that finds lodgment in our minds is what bears upon the issue.

Mr. GRACE. Well, you asked him about the blind-tiger business. I can show you how that all arose and who is responsible for that situation. In other words, Mr. Chairman, I am assuming that none of those things did have any part—as a matter of law, they should not have any part in the proceedings—but as you have asked questions and as affidavits have been put in here on this point, it looked as if that would either have to be stricken out or I should be permitted to reply to it.

The CHAIRMAN. The fact that you unlawfully permitted 250 blind tigers to exist down there has some bearing on the case?

Mr. GRACE. Not on me, but on this case.

The CHAIRMAN. We think it does.

Mr. GRACE. I have a book written by Brand Whitlock——

The CHAIRMAN (interposing). Well, I know him well. I do not know what he has got to do with this case.

Mr. GRACE. This is a book in which he goes over the very situation in Toledo, Ohio, your own State, and he reduced it to the very same system and brags about it in his book.

The CHAIRMAN. Blind tigers?

Mr. GRACE. Yes, sir. Under you old constitution it said expressly that you could not license saloons in Ohio, and only the other day——

Mr. STEPHENS (interposing). I do not think that has anything to do with this case.

Mr. GRACE. Well, then, I can not see what anything has to do with it.

Mr. STEPHENS. We want you to tell us something about the illegal expenditure of money down there.

Mr. GRACE. Now, Mr. Chairman, has not that got something to do with the position which you took——

The CHAIRMAN (interposing). Brand Whitlock's book?

Mr. GRACE. Yes; and then I have two letters here, one written by me and one written by Mr. Whitlock, and if I had written my letter afterwards I would have accused myself of plagiarism.

The CHAIRMAN. No; you might argue all this afternoon, but this whole subject is absolutely irrelevant. I think I understand the law of Ohio in reference to saloons. From the very beginning until 1851 we licensed saloons by constitutional provision and then we did away with the license. But afterwards we had the Aiken tax and the Dowe law. In many cases they licensed the saloons, but that was under statutory provision.

Mr. GRACE. Yes, sir; exactly what we have done in Charleston.

The CHAIRMAN. You will admit to us that there is no law for the existence of a blind tiger?

Mr. GRACE. The constitution of South Carolina did exactly what the constitution of Ohio did. In 1892 we passed a constitution which said that we could not license saloons, but you have the same saloons now, without changing

the signs. They are fined or taxed by the municipal authorities and the State contrary to the constitution. Everybody knows it can not stand the test.

The CHAIRMAN. The difficulty about that situation, Mr. Grace, is that our Supreme Court, which ought to announce what the law is, and did, time and again recognized the act of the Ohio Legislature and the Aiken tax and the Dowe law. Your legislature has not done that. Now, from this time on, Mr. Grace, we are going to compel you to get down to the issue.

Mr. GRACE. Is not that an issue?

The CHAIRMAN. What evidence have you to show the illegal use of money down there?

Mr. GRACE. I think that is the only issue, of course. Now, that being the only issue, I have presented certain facts and affidavits, in reply to which Mr. Whaley has presented certain other affidavits. Therefore, prima facie, my facts stand unless they have been impeached by affidavits. First of all, I come here absolutely and impeach Mr. Whaley's impeaching affidavits, thereby putting my affidavits in the same strong position they were before.

The CHAIRMAN. We agreed in executive session this morning to confine your testimony to rebutting testimony.

Mr. GRACE. Do you mean rebutting what?

The CHAIRMAN. You are a lawyer; you ought to know what that means.

Mr. GRACE. You mean rebutting only the affidavits which Mr. Whaley has put in here? Well, Mr. Chairman, that is what I am going to do right now.

The CHAIRMAN. All right.

Mr. STEPHENS. Before you come to that. You wrote me a letter the other day?

Mr. GRACE. Yes, sir; I wrote the same letter to every member of the committee.

Mr. STEPHENS. I want to ask you about one sentence in that letter. You say: "You will recall that I myself with certain individual exceptions told the committee that the character of my witnesses up to the present point in many respects was none too good." Now, I am asking this question at this juncture because you have just referred to the witnesses you have offered heretofore. I want to ask you if you will tell us which of those witnesses you excepted from the general statement that their character was none too good.

Mr. GRACE. I think that any man who makes an affidavit that he sold his vote stigmatizes himself on the very threshold, and therefore I say that his character is none too good. Yet that man might be telling the truth. That affidavit might have been perfectly spontaneous. As I once heard a judge say, I have known people with a very bad character but who notwithstanding can tell the truth.

Mr. STEPHENS. Oh, any man can tell the truth on occasion. The question was, which one of these witnesses did you except from the general statement?

Mr. GRACE. Which ones did I except? I think Steve Sargent, for one. I think he was telling the truth. I think Hogan was telling the truth, and Barry. But, I think, on the other hand——

Mr. STEPHENS (interposing). It is not a question as to what you think about them telling the truth, but you made a statement about their character being not too good, with certain exceptions. Now, which ones bear that character?

Mr. GRACE. Well, I have got it here. In the first place I put in an affidavit myself, and I believe I bear a pretty good character.

Mr. STEPHENS. Now, you name yourself as one?

Mr. GRACE. Well, I think that is perfectly natural for a man to believe in himself, anyhow. I think I can put my character in Charleston against a great many distinguished lawyers down there and refer to the records to prove it if necessary. I can not remember who testified, off hand. If you have the list there, Mr. Stephens, you might read the names.

Mr. STEPHENS. This man Hogan was one?

Mr. GRACE. Yes, sir; for truth and veracity. I say his character for truth and veracity is good, and everybody knows it, too. He is a pretty wild fellow, but his character for truth and veracity is good. I know it to my sorrow.

Mr. STEPHENS. What about M. J. Barry?

Mr. GRACE. For truth and veracity? I do not know.

Mr. STEPHENS. You said character.

Mr. GRACE. The only part of a man's character involved in an affidavit is his character for truth and veracity. I am explaining that.

Mr. STEPHENS. Well, what about Barry, then?

Mr. GRACE. Barry? I do not know about Barry.

Mr. STEPHENS. What about Larisey?

Mr. GRACE. Well, I think Larisey has faults. I said so in my correspondence and in my open correspondence with Senator Tillman. If you mean as to whether he is telling the truth in this case, I would have to answer you truthfully that I have heard some things about Mr. Larisey, and I knew all that when Mr. Larisey was engaged to work up this evidence.

The CHAIRMAN. Mr. Larisey went around over the five counties in your district?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Who paid him for that work?

Mr. GRACE. I did.

The CHAIRMAN. How much did you pay him?

Mr. GRACE. All of his expenses and $5 a day.

The CHAIRMAN. How much did you pay him all told?

Mr. GRACE. I do not know exactly. I think probably, maybe, $600 or $700. My understanding was that I was to pay all of his expenses and $5 per day.

The CHAIRMAN. And you paid him between $600 and $700?

Mr. GRACE. I think it was $500 or $600, or something like that.

Mr. STEPHENS. You have filed a great many affidavits here.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. What about the character of those people?

Mr. GRACE. That is what you are asking me.

Mr. STEPHENS. What about Phillip Fash?

Mr. GRACE. I think he has a good character. He runs a blind tiger, but I will say he has a good character.

Mr. STEPHENS. Notwithstanding he runs a blind tiger?

Mr. GRACE. I have known him a long time.

Mr. STEPHENS. What about Victor Perry?

Mr. GRACE. I do not know him.

Mr. STEPHENS. J. J. Hilton?

Mr. GRACE. I do not know anything about his character. I do not think he has got very much character.

Mr. STEPHENS. F. Brandes?

Mr. GRACE. I think he has a good character.

Mr. STEPHENS. M. Bazarr?

Mr. GRACE. I do not know much about him. Mr. Cosgrove says that these men were all appointed by me. I appointed none of them. They were appointed by men who differ with me. I could not remove them. They are appointed by practically three men on the street committee. I am one of those three men who have to be consulted theoretically, but actually never.

Mr. STEPHENS. What about John Aulberry?

Mr. GRACE. I do not know him at all.

Mr. STEPHENS. What about C. Conklin?

Mr. GRACE. Good character.

Mr. STEPHENS. A. Brouthers?

Mr. GRACE. I do not know anything to the contrary. I do not know him very well, but I think his character is good so far as that is concerned.

Mr. STEPHENS. And what about Lester Schwartzberg?

Mr. GRACE. Good character, absolutely excellent character; an honorable man.

Mr. STEPHENS. Frank Brylet?

Mr. GRACE. I do not know him, but I know his father. His father has got money. I do not know the boy.

Mr. STEPHENS. T. E. Gleason?

Mr. GRACE. Well, I tell you I do not know much about him. I think this is a sign that he has a pretty fair character. They offered Gleason $15 to make a counter affidavit, but the poor fellow refused to do it.

The CHAIRMAN. How do you know that?

Mr. GRACE. He came to me and told me.

Mr. STEPHENS. E. E. Harbeson?

Mr. GRACE. I do not know him.

Mr. STEPHENS. E. L. Clubb?

Mr. GRACE. I do not know him; I know about him.

Mr. STEPHENS. Robert Smart?

Mr. GRACE. I do not know him very well; I know his father.

Mr. STEPHENS. M. H. Fulcher?

Mr. GRACE. Well, I do not know him very well. I know he sold his vote too. I do not think very much of him.

Mr. STEPHENS. A. W. Reynolds?

Mr. GRACE. By the way, I am glad you mentioned Mr. Reynolds. Mr. Whaley said that Mr. Reynolds was a lottery vendor. I was the first man that had the courage to put him out of business. I put out of business all the lottery vendors in Charleston, and all the slot machines that the administration had been getting graft out of for years. He was a lottery vendor under the administration of Mr. Whaley's brother.

Mr. STEPHENS. Samuel D. Barshay?

Mr. GRACE. Well, he is another man that runs a blind tiger, and from all that has been said here you would think that he could not be believed. I believe him, and, by the way, I have got here the check that Heape denied signing, that Barshay said he signed.

Mr. CRISP. There has been a good deal said about the character of some of the witnesses because they ran a blind tiger.

Mr. GRACE. Yes, sir.

Mr. CRISP. I want to say for myself that I was not here at some of the meetings of the committee, but I understand that any court, in weighing and determining what credence or credit they will give to any witness, has a right to weigh and determine any circumstances as to the character of the witness.

Mr. GRACE. Yes.

Mr. CRISP. And I think it is perfectly legitimate evidence in every court of competent jurisdiction to put in the fact that a man was running a blind tiger, for the benefit of the court and jury in weighing and determining the evidence.

Mr. GRACE. I think so. I think it is not the best evidence in the world.

Mr. CRISP. I just said that because so much has been said about blind tigers. I think any court on earth would admit that testimony.

Mr. GRACE. I found them there. I did not put them there. Some people went back into other business when I got in.

Mr. STEPHENS. What about the character of J. F. Noland?

Mr. GRACE. Well, Noland is not a very bad fellow. He is a wild fellow. By the way, if you read his counter affidavit you will see that it is not very counter. He admits he got the money.

Mr. STEPHENS. What about C. Crovatt?

Mr. GRACE. I do not know him.

Mr. STEPHENS. What about A. Seebeck?

Mr. GRACE. I would believe him, anything that he says. He is a blind-tiger fellow, too. The poor fellow has got both legs cut off. I believe him. If he told me something to my interest or against my interest I would believe him.

Mr. STEPHENS. Carl Stanfill?

Mr. GRACE. I do not know much about him.

Mr. STEPHENS. H. C. Heins?

Mr. GRACE. I would believe him.

Mr. STEPHENS. A. F. Dunlap?

Mr. GRACE. I know very little about him. He was never a partisan of mine, but I understand he is a very good fellow. They called him "One-eye Dunlap." We have differed very largely politically, but I think he is a pretty good fellow.

Mr. STEPHENS. What about Frank Fosberry?

Mr. GRACE. I do not think he has much of a character. Now, that Darby Sanders affidavit——

Mr. FREAR (interposing). Have you extra copies of that here?

Mr. GRACE. I have part of a copy, but that ought to be in the record, because he denied the corruption right in the sheriff's own home. He sat down in his parlor and handled the money.

The CHAIRMAN. Do you know J. Russell Williams?

Mr. GRACE. No, sir.

The CHAIRMAN. J. M. Wilder?

Mr. GRACE. No, sir.

The CHAIRMAN. Do you know L. H. Rivers?

Mr. GRACE. No, sir.

The CHAIRMAN. You do not know any of those fellows?

Mr. GRACE. No, sir; I know a great many people outside of the city of Charleston, and a great many people know me, and I can not recall them.

The CHAIRMAN. Do you know James E. Peurifoy?

Mr. GRACE. Yes, sir; personally.

The CHAIRMAN. What about his character?

Mr. GRACE. I have something right here if you want me to read it.
Mr. STEPHENS. What about Darby Sanders? What is his occupation?
Mr. GRACE. I would not call him a man of high character.
The CHAIRMAN. What does he do?
Mr. GRACE. I do not know what his business is.
Mr. STEPHENS. Does he run a blind tiger?
Mr. GRACE. No, sir; he does not. I am pretty sure he does not.
Mr. STEPHENS. How long have you known him?
Mr. GRACE. Well, I have known him in a way for seven years. We had a very celebrated case down there which has just been concluded in our favor by the supreme court in which his uncle was interested.
Mr. STEPHENS. What is his age?
Mr. GRACE. About 25.
Mr. STEPHENS. Has he ever done any work that you know of?
Mr. GRACE. I do not know if he has. Well, yes, he has. I do not see how he could live unless he worked. I do not know anything to the contrary. I wish you would ask me about the others, because I know a good many of them.
The CHAIRMAN. Do you know Dr. Dick, of Sumter County?
Mr. GRACE. Yes, sir.
The CHAIRMAN. Is he a physician there?
Mr. GRACE. Yes, sir; he is a dentist, I think.
The CHAIRMAN. What about his character?
Mr. GRACE. Well, a man rang me up at the depot before I went away, and he said, "I see Dick says that he furnished him with money and that Dick is the biggest faker in Sumter County and his check would not be honored for $5." I said, "You go to Sumter and wire me that in Washington." I notice that Mr. Whaley says that he is the chairman of the Ways and Means Committee of the House and also head of the Knights of Pythias. Of course, we have a number of men who are Knights of Pythias, but they have different classes of men.
The CHAIRMAN. What do you know about Dick, nothing but hearsay?
Mr. GRACE. No, sir.
Mr. FREAR. Here are those six affidavits that I found. Are there any more?
Mr. GRACE. I do not know. I was looking for the Darby Sanders affidavit.
Mr. STEPHENS. What is the character of J. D. O'Brien?
Mr. GRACE. Very good character. He is a good boy.
Mr. STEPHENS. What does he do?
Mr. GRACE. He is a machinist, I think.
Mr. STEPHENS. What about George E. Plow?
Mr. GRACE. I do not know him at all. He was a man who made an affidavit; the chief of police fired him off the police force. In other words, if I get any affidavits from policemen Mr. Whaley says that the men on the police force have got to give an affidavit. But there is a man who was fired off the police force. He was a policeman under the old administration.
Mr. STEPHENS. John J. Murphy?
Mr. GRACE. Fine, absolutely fine; solid as a rock. He is a marine engineer. He would have been up here to-day only he could not get a man to put in his place.
Mr. STEPHENS. What about J. W. Moore?
Mr. GRACE. He is a policeman. He was a pretty wild kind of a fellow before he went on the police force. He is a good policeman.
Mr. STEPHENS. What about John Burns?
Mr. GRACE. I do not recall him at all.
Mr. STEPHENS. And Benjamin Ruddock?
Mr. GRACE. Well, he is a poor little fellow on the street gangs. He testified he sold his vote, did he not?
Mr. STEPHENS. I do not know about that.
Mr. GRACE. He did, too. He has not got much sense. I say he is an honest fellow. I mean to say that he picks the dirt on the streets. That is his job, and when he is approached on election day with $10 or $15 he is a little addle-pated, and he would have to be very different from what he is, or different from most of the people around there, not to take it.
Mr. STEPHENS. That is Ruddock.
Mr. GRACE. Yes, sir.
Mr. STEPHENS. He said that he was offered money and it was refused.
Mr. GRACE. I do not know about that. I say that he is an honest little fellow, except that he might sell his vote. Whatever he says I believe it.

Mr. STEPHENS. He says he was offered money and refused to take it.

Mr. GRACE. Then I believe it.

Mr. STEPHENS. That is all I care to ask.

Mr. GRACE. Now, Mr. Chairman, are there some other affidavits you are going to ask me about?

The CHAIRMAN. Do you know Dr. G. B. Harley, mayor of Dorchester?

Mr. GRACE. I do not know him, sir. Now, that is a new edition, I suppose, but up to the edition I have had I have read those affidavits carefully, and you will find that there is hardly one in ten that goes to the point. In other words, it is denied in hoc verbo or something of that kind, so that it does not go to the point.

The CHAIRMAN. In most of the affidavits they have copied what the witnesses testified to and then they denied it.

Mr. GRACE. Any lawyer knows that that is a poor way to plead, because if you deny verbatim et literatim, the substance may be true.

The CHAIRMAN. Do you know George W. Dick?

Mr. GRACE. Yes, sir.

The CHAIRMAN. He is the one who called you up.

Mr. GRACE. Yes, sir.

The CHAIRMAN. He said he never had any conversation with H. C. Larisey.

Mr. GRACE. That is between him and Larisey. I do not know whether he did or not.

The CHAIRMAN. And he says that he does not know Larisey except by reputation, but on account of the nature of his reputation he is forced to state that he could not believe Mr. Larisey under any circumstances on any occasion connected with life or death, the present or hereafter.

Mr. GRACE. That may be his opinion.

Mr. FREAR. That sounds like the character of witnesses that you described.

Mr. GRACE. Yes, sir. I have carefully examined them, Mr. Chairman, and you will find that they nearly all fall short of the point; they just show enough so that if you had them on the stand and they would tell you the truth it would not be a denial but a confirmation of the allegation. Now, they did handle the money. We have got that from independent sources, but yet he says, "I did not handle it for any illegitimate purpose."

The CHAIRMAN. Have you any testimony as to the handling of Whaley's money except that of two policemen in the city of Charleston?

Mr. GRACE. That is the only testimony of money being gotten by Whaley personally, but we have got the testimony of lots of people.

The CHAIRMAN. And in those two cases the party that you say had the money denies it and Mr. Whaley denies it.

Mr. GRACE. Well, in the first place, Mr. Chairman, the first of those two policemen has been discharged. My administration discharged him, and the other one is there yet. They say they saw this man get this money. Of course, for Mr. Whaley to come in here and admit it would be to end his case right there, would it not? Now, therefore, he has got to deny it. When he is asked the question he has got to quit right there or deny it. This case is predicated upon perjury. If it is fair to assume that Mr. Whaley committed perjury in the beginning, it is reasonable——

The CHAIRMAN (interposing). Is it fair to say——

Mr. GRACE (interposing). Anybody can commit perjury. The fact that I charge Mr. Whaley with perjury does not make it so. But when I do charge him with it and produce all those witnesses you would certainly expect him to be consistent. He would not come in here now and tell the truth in order to prove that he committed perjury. In other words, if he comes in here now and tells the truth you could say, "You admit that you committed perjury. How, then, do we know that you are now telling the truth under oath?"

The CHAIRMAN. In both of these cases where you say these policemen saw Mr. Whaley pay them money it could be legitimate and he could come here and explain it away?

Mr. GRACE. Well, but this was on election day, and this man Goldman was buying votes. Now, I know Goldman's character. He has a very bad character. Nobody in Charleston would take his word for anything.

The CHAIRMAN. Would not you?

Mr. GRACE. No, sir.

The CHAIRMAN. Did you not bring his affidavit here?

Mr. GRACE. No, sir; no, siree; absolutely not. Now, against that is Mr. Whaley's affidavit, and I say that for him to come and say that he admits

it would be to end his case. It was said that he pulled out a roll of money and gave it to Goldman. If he admitted that——

The CHAIRMAN (interposing). We will agree with you on that proposition. We will agree that he was foolhardy if he did do it.

Mr. GRACE. That is what I say. He was in here and he was asked that question and he refused to answer it. That would have been an admission.

The CHAIRMAN. There is no use of arguing the proposition any further, but I am simply pointing out the fact that the man whom you say received the money and Mr. Whaley both deny it.

Mr. GRACE. Yes, sir; but we proved by many witnesses that Goldman handled money and paid Fosberry in the same ward. Whaley says that we only say there was corruption in the third and ninth wards. We say there was corruption in every ward.

The CHAIRMAN. Now, you must be fair. That is not what Mr. Whaley said. He said that in those two wards you accused him of spending lots of money. Did not he get the least votes in ward 3 of Charleston?

Mr. GRACE. No; he did not use very much money in ward 3. It was a strong Hughes ward.

The CHAIRMAN. In other words, you fellows had bought them all up and nobody could buy them away from you?

Mr. GRACE. No, sir; that is not so. I have handled those men's cases for them; I have helped them financially; I do not think I have loaned them very much money. I do not think you could expect the people in that ward to go back on me.

Mr. STEPHENS. Was it not in ward 3 that you claim this $2,000 was disbursed?

Mr. GRACE. Oh, no; that was in ward 10. Oh, they used it in barrels up there.

The CHAIRMAN. You said there was $2,000 spent in ward 3—placed in the hands of one individual there.

Mr. GRACE. I do not remember what I said about that. I do not think so; no, sir. You are mistaken, Mr. Post.

Mr. STEPHENS. In which ward in the city is it possible to buy votes in any large number?

Mr. GRACE. The biggest ward?

Mr. STEPHENS. Name the one in which you can buy the most. Can you buy them in all the wards?

Mr. GRACE. Yes, sir; you can buy them in all the wards.

Mr. STEPHENS. Now, in which ward particularly is it possible to buy votes in large numbers?

Mr. GRACE. The biggest vote-buying ward is ward 11. You can buy more votes in ward 11.

Mr. STEPHENS. That is the biggest?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. What is the next?

Mr. GRACE. Well, per capita, ward 12, and then wards 10 and 9 come along very close together there.

Mr. STEPHENS. What about the first ward?

Mr. GRACE. You can not buy many in the first ward.

Mr. STEPHENS. Just a few?

Mr. GRACE. Yes, sir; just a few. Well, I will say comparatively few.

Mr. STEPHENS. About what percentage of the vote?

Mr. GRACE. I declare I could not tell you. Now, mind you, I am telling all this by what I believe to be the case.

Mr. STEPHENS. What percentage of the vote can be purchased in ward 2?

Mr. GRACE. That is Mr. Bryan's ward, what is called the aristocratic ward. It is one of the wards which we do not carry very closely, because we give the people down there the credit which experience has shown they do not deserve. I found this there, that they voted every name that was on the roll by getting fictitious voters to go down and vote. We have got one of the men who went out and voted. For instance, the court stenographer lives in that ward——

Mr. STEPHENS (interposing). How many can be purchased there?

Mr. GRACE. I do not know how many.

Mr. STEPHENS. In ward 3 what percentage of the vote can be purchased?

Mr. GRACE. I have no idea.

Mr. STEPHENS. What percentage in the 4th ward—a very large percentage?

Mr. GRACE. Not in there.

Mr. FREAR. The record shows that the charge is that Max Goldman had $200 in ward 3 and P. H. Young had $400 put in his hands. That is the only charge that appears.

Mr. GRACE. Yes, sir.

The CHAIRMAN. I may have figured it out wrongly.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. You say only a few can be bought in ward 3?

Mr. GRACE. I have seen them go down there and buy people to put through the franchise for the Consolidated Railway, people who did not own property there and who did not care whether the Consolidated Railway got its franchise or not.

Mr. STEPHENS. What about ward 4?

Mr. GRACE. You can not buy very many over there, though they do a lot of repeating over there.

Mr. STEPHENS. How about ward 5?

Mr. GRACE. Well, I am sorry to say I was born and raised in that ward, and some are good and some are bad.

Mr. STEPHENS. How about ward 6?

Mr. GRACE. You could not buy many in ward 6.

Mr. STEPHENS. What about ward 7?

Mr. GRACE. You can buy a good many there.

Mr. STEPHENS. Ward 8?

Mr. GRACE. Not many.

Mr. STEPHENS. That is all, Mr. Chairman.

Mr. CRISP. Is there not a law in South Carolina making it a penal offense to impersonate another in voting in the primaries?

Mr. GRACE. Yes, sir.

Mr. CRISP. There is also a penal statute against buying and selling votes?

Mr. GRACE. Yes, sir.

Mr. CRISP. I know there is in my State and presumed there was one in every other State of the Union.

Mr. GRACE. I say to this committee in all respect that you could not convict anybody down there under present conditions. I have seen people tried there, but the juries are divided politically. You have got to convict a man by a jury, and they know that a thing like that is all hypocrisy. The newspapers take up this great cry, and that is one of the reasons that I want to change things down there. It seems like the case of the fellow hollering "Stop thief!"

Mr. CRISP. How about the country vote? Is that purchasable?

Mr. GRACE. I never knew it before because I never did anything in the country before except to make speeches, but I know now that it was purchasable and that it was purchased. We have affidavits and testimony of people in the country; in one case where a father and son went down and the auction started at $1 or $2 and finally they sold at $15. One man said that he went there intending to vote, and he was so thoroughly disgusted that he went home and did not vote at all.

Mr. CRISP. Mr. Grace, do the conditions you have described in that district obtain in other districts?

Mr. GRACE. In South Carolina?

Mr. CRISP. Yes.

Mr. GRACE. No, sir; not to any great extent, although I must say that the Blease campaign last year was the worst thing I ever saw. I took part against Blease in the campaign and made speeches all over the State. They told us they bought them like cattle. That was the expression they used. I do not know what they were paid.

The CHAIRMAN. Does the same condition exist in the other four counties that exists in Charleston County?

Mr. GRACE. Of my own knowledge I don't know, but I would say yes. That is what we got. That is why we made the kind of investigation we have made, and the affidavit, and in some cases we have got the amount of money which we knew was spent.

The CHAIRMAN. Let us take just one precinct. About how many votes are there in the township?

Mr. GRACE. You mean in the city or in the country?

The CHAIRMAN. In the country.

Mr. GRACE. That varies. Sometimes 25 and sometimes 300. For instance, the original poll at Summerville, where they had rioting all day long, and where Mr. Hughes did not get any votes——

The CHAIRMAN. [Interposing.] Where is Summerville? In what county is Summerville?

Mr. GRAVES. Summerville is in Dorchester County. That is the case where a man sent a representative to Mr. Hughes. This rioting was going on there, and I had to telephone to the mayor of Summerville over a long-distance telephone.

The CHAIRMAN. I want to ask you about Johns Island. Where is Johns Island?

Mr. GRACE. Johns Island is in Charleston County.

The CHAIRMAN. In what township is it?

Mr. GRACE. It is just a voting precinct.

The CHAIRMAN. And what is the population of Johns Island?

Mr. GRACE. I think they vote about 50 votes down there. The population is about, perhaps, maybe 10,000 people, but the population is composed chiefly of negroes.

The CHAIRMAN. I see that in this second primary only 13 votes were cast.

Mr. GRACE. I am not at all surprised to hear that.

The CHAIRMAN. And that in the first primary but 17 votes were cast, and Mr. Whaley got 17 votes.

Mr. GRACE. I only got 12 votes the second time, and Mr. Hughes only got one.

The CHAIRMAN. Let us take James Island. What sort of a place is that?

Mr. GRACE. That is one of those sea islands down there.

The CHAIRMAN. How large a population has it?

Mr. GRACE. Oh, about 20 or 25 people, I believe.

The CHAIRMAN. And Mt. Pleasant?

Mr. GRACE. Mt. Pleasant polls about 100 votes, something like that, maybe 110, sometimes, or maybe 120. That is right across the bay from Charleston. It is really a sort of suburb.

Mr. STEPHENS. It has been shown that it has 51 people, hasn't it?

Mr. GRACE. About 65, I think.

Mr. STEPHENS. And you know the people there?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. What kind of people are they?

Mr. GRACE. The finest in the world.

Mr. STEPHENS. Many of those people are very anxious to stop all unlawful and lawless conduct, are they not?

Mr. GRACE. Yes, sir; undoubtedly.

Mr. STEPHENS. How does it happen that you did not produce the affidavit of any man of any standing in that community down there, in either a business or professional life? You did not produce the affidavit of any lawyer, doctor, dentist, preacher, merchant, or manufacturer of any consequence, and I presume there are a good many people around the city, quite near your city, who are interested in farming, so how did it happen that you did not produce the affidavits of any of those people or the affidavit of any farmer here? Why is it that none of the citizens of that class furnished affidavits, and that you only bring here, in the main, affidavits of men in the employ of the city government, the men engaged in the running of these "blind tigers," and things of that kind, men who, you say yourself, are men of very bad character? How does it happen that none of this better class of citizens are interested in this matter?

Mr. GRACE. In the first place, proceeding as I am, I have to get as close as I possibly can, under all of your rulings and under the well-known rule of law, to the actual facts. I have got to get as close to the fact as it is possible for me to get. I had to start at the bottommost end of the thing. Of course, the other way of proving it would be to start at the top down, and I could do that by subpœna. If I have the power of subpœna, of course I could begin right at the very top and go down.

Mr. STEPHENS. Are there not other men down there who are just as much interested in suppressing this kind of business as you are?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. And they are men of good character, are they not?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. They would feel outraged, wouldn't you think, at this kind of business?

Mr. GRACE. Terribly outraged; yes, sir.

Mr. STEPHENS. And yet not one of those men has made an affidavit?

Mr. GRACE. I do not agree to that.

Mr. STEPHENS. Who are they?

Mr. GRACE. If you want to make a test of it as to whether I can get the moral backing of any business man down there I will say that I can get them by the thousands. I will show you. They took up a fund to back me up in the bringing of this case. I absolutely refused to touch it, and I have paid for the bringing of this case absolutely out of my own pocket. I did not touch the fund which they raised because a whole lot of those people are in a position to ask me to do things that might hereafter be contrary to my best political and official judgment to do. That fund is in the bank down there, and I have kept it there. I have not used a penny of anybody's money except my own, because I did not want to have any other individual responsible for this except myself. If you ask me for quantities of gentlemen, quantities of the best ministers, for instance, in Charleston, I would say that several of them, anyhow, have said, "I hope Grace will win." I am told that. I do not know how true it is, but one of those gentlemen is the rector of a very large church down there, and I am told that he said he sincerely hoped I would win.

Mr. STEPHENS. That is only an instance of hearsay.

Mr. GRACE. Certainly; I am only just telling you what somebody else has told me.

The CHAIRMAN. How much of a fund was collected?

Mr. GRACE. I don't know.

The CHAIRMAN. How do you know it was collected?

Mr. GRACE. I know it was, and the men wanted me to take it. Some of these men told me to take it.

The CHAIRMAN. Who was that; what is his name?

Mr. GRACE. I don't care to mention his name.

The CHAIRMAN. All right.

Mr. STEPHENS. How much did he say it was?

Mr. GRACE. I did not ask him how much it was.

Mr. FREAR. Just at this point, Mr. Grace, I would like to ask you this question:

Mr. GRACE. Yes.

Mr. FREAR. Do you know of any ministers who sold their votes or who bought votes down there?

Mr. GRACE. Any ministers?

Mr. FREAR. Yes. That is one of the questions involved here.

Mr. GRACE. No, sir.

Mr. FREAR. Do you know of any manufacturers who bought or sold their votes?

Mr. GRACE. No, sir.

Mr. FREAR. Doesn't it resolve itself about into this, that you can not reasonably expect your testimony to have very much weight in regard to the actual occurrences about which this committee is asking when it comes from men of that character?

Mr. GRACE. That is what I am saying.

Mr. STEPHENS. In answer to that you have stated here, through your affidavit and probably through statements a great many instances of where things were carried on there in a public manner.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. If that were true, isn't it possible, and wouldn't it be very probable, that men of the class to which I have referred would have seen those things going on?

Mr. GRACE. In the first place, they were only visible to the eye of the men who were interested. I can always tell by the smell of the polls how many votes are being cast. It is instinct with me, I think, that accounts for my political sense. I am not saying that in an egotistical way, but I simply have a political instinct. When I go to the polls I can almost always feel in the atmosphere just what is going on there. I can see by the looks of the place whether the election is with me or against me. Some of these peoeple stand right out on the street corners and buy votes, and some of these people might have seen them, yet I do not know who they are.

The CHAIRMAN. You say that the best citizens down there were shocked at what occurred at those primaries in the way of debauching the ballot boxes?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Why didn't you join them in a memorial which you presented to the Speaker?

Mr. GRACE. Why didn't I what?

The CHAIRMAN. I say, why didn't you join those people with you in the memorial which you filed with the Speaker?

Mr. GRACE. I simply followed Senator Tillman's advice. Senator Tillman told me, John P. Grace, to draw up a petition and present it to the Speaker and that it would be referred, in due course, to a committee, and when the committee called it up for hearing for me to be prepared to come forward and produce any facts to the committee which I might have to produce. That is exactly what Senator Tillman told me to do. At that time Senator Tillman was going to help me to do it.

The CHAIRMAN. Did you ever know, in the history of cases of exclusion or expulsion, of Congress taking action upon the memorial of a single individual?

Mr. GRACE. No, sir; I couldn't say that I know anything about that, Mr. Chairman. As I say, you might think it strange that I, being a lawyer and all that, and having been in Congress as well, if that is the rule, that I should not have known about that procedure, but no matter how strange it is, I did not know it. I have been through election contests, but they were nothing like this.

The CHAIRMAN. These questions go to the very meat of this.

Mr. GRACE. Yes, sir; I know they do.

The CHAIRMAN. Why did you lay by and not file objections to Mr. Whaley appearing at the bar and being sworn in? Why didn't you, if you were prepared to file this memorial, come up here to Washington and procure some Congressman to object to his being sworn in?

Mr. GRACE. That is exactly what I tried to do, sir. I have the correspondence here. The primaries took place on April 15, remember, the second primary. The general election took place on the 29th of April, two weeks after that. The whole thing was precipitated on us unexpectedly. Nobody expected George Lever to do like that. We knew he had consumption and that he was lingering, lingering, lingering. Finally in the end he died, and in the end they plunged into my election, because Congress was then in session and this same cotton schedule was up.

Now, then, about the primary. It was on the 15th of April, between the 15th and 29th of April, and that is the time the primaries were held. I do say this, that I was aware from what I had heard from Washington—that is all I knew about it, you will find—I was aware that the impression had been created up here, a sort of cuttlefish impression, that we had had an awful election down there. The impression had been created by the various newspapers down there that we had had an awful election.

The CHAIRMAN. But that was not the question I asked you. The question I asked you was this: Why didn't you, with the actual knowledge which you had of the action that took place, come to Washington here and get some member of the South Carolina delegation to object to Mr. Whaley taking his seat?

Mr. GRACE. That is exactly what I did do. I talked the matter over with Mr. Johnson, and he said, "What are your facts?" I said, "Mr. Johnson, I have not the detailed facts, but I know this thing has taken place." I simply know it because there was money on all sides, but I could not tell you who took the money—who got the money. I would have to have an inspiration in order to tell you that. I said, "I think, Mr. Johnson, you ought to judge my petition favorably on that account, that I did not bring my facts until I got the actual facts." So Mr. Johnson said to me, "Will you state to me, in the form of affidavits, that you believe this to be the case?" I said, "I certainly will." I sent an affidavit to Mr. Johnson before Mr. Whaley took his seat, and I have a copy of it here. I did that hoping that when he got up to take his seat somebody on the floor of Congress would rise to object. I am told that a gentleman did get up that day and ask if anybody had any objection to his taking his seat, expecting that somebody would come forward and object to his taking his seat, because it was already in the papers, in these very Whaley papers themselves, for they had editorials in them on the awful situation down there. That was the way the thing came up here on the day that Mr. Whaley took his seat.

Mr. FRENCH. What day was that?

Mr. GRACE. The election was on the 29th and he came up here himself knowing this thing was coming up, and he telegraphed to have his election certificate rushed up here, and I kept behind him, hoping all the time I would get somebody to take definite action, but finally he got his certificate here. I was beseeching people to stop it.

The CHAIRMAN. Whom were you beseeching?

Mr. GRACE. I was beseeching Mr. Johnson and Senator Tillman.

The CHAIRMAN. But Senator Tillman was not a member of the House.

Mr. GRACE. Mr. Johnson and Senator Tillman had a long talk with me in Senator Tillman's room in the Senate Office Building, and Senator Tillman told me to go see Mr. Johnson. I went from Senator Tillman's office to see Mr. Johnson. I have known Mr. Johnson for years, and when I went over to see him in the committee room of the House, he said, "I have nothing to go on." I said, "I know it is so, but I could not tell positively that it was so. I couldn't get up and swear that he spent $5,000."

The CHAIRMAN. Did you ask any member of the South Carolina delegation about this matter?

Mr. GRACE. I did.

The CHAIRMAN. Who did you ask?

Mr. GRACE. I asked Mr. Lever, and, by the way, I was told by him that he had talked with you after this thing came up. I went to such members of the South Carolina delegation as I thought were my friends.

The CHAIRMAN. To whom did you go besides Mr. Lever?

Mr. GRACE. I went to Mr. Finley, who was sick at that time. I went also to Mr. Wiat Aiken. I saw him in Mr. Johnson's office. Senator Tillman told me to go to Mr. Johnson. Mr. Johnson was almost going to act in the matter, but he had a contest coming on down there, and he was dissuaded from it.

Mr. STEPHENS. Did you put any facts before Mr. Johnson at that time?

Mr. GRACE. I didn't have any facts except that I knew this had been done.

Mr. STEPHENS. Was there any instance at all that you could cite from your personal knowledge?

Mr. GRACE. I went over the thing with them and told them what I had reason to think was spent at the time, and all that sort of business, but that was the clearest kind of speculation.

Mr. STEPHENS. You told them nothing except about the speculation?

Mr. GRACE. That is all.

Mr. FRENCH. What day was Mr. Whaley sworn in?

Mr. GRACE. Along about the 3d or 4th of May, I think—somewhere along there.

Mr. FRENCH. And the election was when?

Mr. GRACE. The election was on the 29th of April.

Mr. FRENCH. When did he file his report?

Mr. GRACE. Sir?

Mr. FRENCH. When did he file his report?

The CHAIRMAN. That is in the record.

Mr. FRENCH. The record does not show that.

Mr. GRACE. Mr. Post, just listen to this, please.

Mr. FRENCH. Let us find out about this other matter so that we can have a more orderly procedure. What date was it that occurred in the House?

Mr. GRACE. May 6.

Mr. FRENCH. May 6?

Mr. GRACE. Yes, sir. I gave out this statement here in Washington. I gave it out—published it broadcast in the newspapers.

Mr. STEPHENS. I want to complete what I was asking before you reached that.

The CHAIRMAN. When was Whaley sworn in?

Mr. STEPHENS. The 9th of May, I think it was; the 8th or 9th of May.

Mr. GRACE. One minute, now, sir. Yes; it must have been.

Mr. FRENCH. When did he file this statement?

Mr. STEPHENS. The 29th of April?

Mr. GRACE. He did not file his last statement, Mr. Chairman, until after the 29th of April. I could not see Mr. Whaley's certified official statement when I first came to Washington, because it was not here.

The CHAIRMAN. He had 30 days.

Mr. FRENCH. That is the point I am trying to clear up. Was his statement on file when you first came to Washington?

Mr. GRACE. It was not. That was in reference to the general election.

Mr. FRENCH. You are basing your procedure on that?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. I have not quite completed my remarks.

Mr. FRENCH. Pardon the interruption.

Mr. STEPHENS. That is all right. You tried to get Mr. Johnson to bring this matter before the House—that is, to object to Mr. Whaley being seated—and he asked you for facts. As I understand it, you told him you had no facts

to base your charge of corruption on, but that what you told him was simply speculation with reference to what had actually transpired. Is that true?

Mr. GRACE. Opinion, I would say, rather than speculation as to the amount, etc., at that time.

Mr. STEPHENS. You gave him no substantive facts upon which to base his action?

Mr. GRACE. Who, Mr. Johnson?

Mr. STEPHENS. Yes.

Mr. GRACE. Before Mr. Whaley was sworn in?

Mr. STEPHENS. Yes.

Mr. GRACE. I don't think so, sir. I would not positively say that.

Mr. STEPHENS. You made a fair statement to him?

Mr. GRACE. I certainly did; yes, sir.

Mr. STEPHENS. You did not attempt to conceal anything?

Mr. GRACE. No, sir; I did not.

Mr. STEPHENS. So you could tell him nothing except what was a matter of opinion, could you?

Mr. GRACE. That was practically it; yes, sir.

Mr. FRENCH. Practically what you told this committee in the first instance?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. Was there anything other than opinions recited to Mr. Johnson?

Mr. GRACE. No, sir; except I was in Washington and all of my informants were in Charleston. It was in the mouths and on the lips of everybody, and newspapers were full of it, that it was awful. That was the substance of it. Now, then, I couldn't tell you who got the money, who sold his vote, and all that kind of business at that time. I think if I had brought a petition at that time and Mr. Whaley had called on me for proof I would have then been in a very ridiculous position, and you could have very well said that I had come up here and brought a petition which was based on something that I did not know anything about.

Mr. CRISP. Have you copies of those papers which you said at the time were commenting about this disgraceful procedure and this debauchery of the ballot box?

Mr. GRACE. They were printed in all of the newspapers down there, such as the News-Courier.

The CHAIRMAN. Why didn't you tell Mr. Johnson that you knew absolutely these men had been buying the votes down there? Why didn't you tell him that?

Mr. GRACE. Because, as I told you before, and as I tell you now, one of the disagreeable parts of this case is that I have to be a witness, and I will tell you right now, gentlemen, it is not a pleasant thing, either. I told you the very first day it was not a very sportsmanlike thing; but you drove me to it, and I had to tell you. I know morally a whole lot of things about that situation down there; but I can not testify to what I believe is a moral certainty, but I can testify to an absolute certainty that Mr. Simmons bought votes, because I saw him buying them, but I did not want to do it. I said that the first day.

The CHAIRMAN. And by this procedure you propose to punish Mr. Whaley, if you can, by getting him expelled from his seat in Congress, don't you? What do you propose to do with Peurifoy, who spent something like $5,000, and with Mr. Hughes, who spend $44,500?

Mr. GRACE. What do I propose to do?

The CHAIRMAN. Yes; how do you propose to punish them?

Mr. GRACE. In the first place, I think a man who spends $44,000 in order to get a seat in Congress and then does not get it is pretty badly punished. That, to my mind, is pretty bad punishment. Those other men, Padgett, Peurifoy, and Von Kolnitz—I must tell you the truth—were not so bad. Mr. Von Kolnitz was not so bad because he didn't have the money, and the other gentlemen because they could not get the proper means at work to handle it for them, and all that kind of business. They did not spend so very much money because, I think, they did not have very much to spend. Mr. Peurifoy spent about $5,000. He is in the sanitarium himself now, and he has not only been very badly punished, but he is absolutely broken hearted not only over that but over another thing.

The CHAIRMAN. Do you propose to take any steps against Mr. Hughes?

Mr. GRACE. Do I?

The CHAIRMAN. Yes.

Mr. GRACE. No, sir; absolutely not. I do not propose, Mr. Chairman, to take any steps against Mr. Whaley. You mean criminal steps?

The CHAIRMAN. No; any kind of steps.

Mr. GRACE. What kind of steps could I take, Mr. Chairman, other than criminal steps? What kind of steps could I take against anybody except criminal steps? I tell you I could not throw the first stone. Wouldn't I look pretty doing that?

Mr. STEPHENS. And why can't you throw the first stone?

Mr. GRACE. Well, it isn't in issue before this commission, but, gentlemen, I know all about buying votes myself.

Mr. STEPHENS. You mean by that, Mr. Grace, that you have bought them in your own elections, do you?

Mr. GRACE. I mean to say that I personally, when I was elected mayor—of course, I didn't buy any votes, but I would be telling you a lie if I said that votes were not bought—practically bought.

Mr. STEPHENS. For you?

Mr. GRACE. For me; yes, sir.

Mr. STEPHENS. How much did they cost you?

Mr. GRACE. Do you mean how much did each vote cost?

Mr. STEPHENS. No; in the aggregate.

Mr. GRACE. Thousands of dollars.

Mr. STEPHENS. But how many thousands of dollars?

Mr. GRACE. To be elected mayor of Charleston I would say, roughly, it cost me about $15,000.

Mr. STEPHENS. You figure it cost you about $15,000 to be elected mayor of Charleston?

Mr. GRACE. Yes, sir; I do.

Mr. STEPHENS. And you are pretty sure of that?

Mr. GRACE. Absolutely sure of it, sir. I have every reason to know it.

Mr. STEPHENS. You were before this committee some time ago, and didn't you state this, in answer to a question by Mr. Elder:

"Mr. ELDER. And you put up money?

"Mr. GRACE. Not a cent in this campaign, but in my campaign I did, and when I had to file a sworn statement of what I spent I filed a sworn statement.

"Mr. ELDER. How much did it show?

"Mr. GRACE. Eight thousand and some odd dollars."

Mr. GRACE. That is correct.

Mr. STEPHENS. Mr. Grace, if it cost you over $15,000, why did you only put in $8,000?

Mr. GRACE. I put in exactly what the law required me to put in. When I said it cost me $15,000 to be elected mayor, it cost me $15,000 including what the law required me to file, and I filed just the items that the law required me to file.

Mr. STEPHENS. What exceptions does your law make with regard to the matters of expenses that you can leave out of your statement?

Mr. GRACE. There are a great many exceptions. For instance, running my newspaper, is one of the exceptions. That is absolutely no part of my campaign expenses. There were others interested besides myself, as far as that is concerned. I had to pay the bills and had to keep the thing going. That newspaper is the only organ of expression which I had throughout my campaign.

The CHAIRMAN. Did you spend $7,000 for advertisement?

Mr. GRACE. For running my own newspaper, keeping it going from week to week.

Mr. STEPHENS. When did you start that newspaper?

Mr. GRACE. I started that newspaper four years ago, and it has been running every week since.

Mr. STEPHENS. You were running it for two years before you became a candidate for mayor?

Mr. GRACE. Before I became a candidate for mayor?

Mr. STEPHENS. Yes.

Mr. GRACE. No, sir.

Mr. STEPHENS. How long were you running it then before you became a candidate for mayor?

Mr. GRACE. I became a candidate for mayor—well, I was running it about one year before I became a candidate for mayor. Now, that is not in the legal sense, because you do not become a candidate until you file your pledge, and you do not have to file any expenses of election until you file your pledge. You

asked what it cost me to be elected mayor, and I say that it cost me $15,000. By that I mean that I was out of pocket $15,000 which I would not have been out of pocket if I had not been a candidate for mayor.

Mr. STEPHENS. What additional expenses were you put to when you were a candidate above what you were put to when you were not a candidate?

Mr. GRACE. For instance, you take my newspaper: I do not often write for it, but once in a great while——

Mr. STEPHENS (interposing). I am not talking about that just now, but I am talking about your expenses of election.

Mr. GRACE. And I am talking about my expenses, too. At that time I not only wrote articles for my newspaper, but I got out a good many extra editions, page after page of extra editions. I had to give away thousands of copies of those papers. My circulation in ordinary times is comparatively limited, but, for instance, the News-Courier, which is a morning paper, and the Evening Post, which is an evening paper, both being against me, would publish something to which I would have to reply, and I would have to go around and get up all kinds of affidavits, and all like that, and figures and documents, and one thing and another.

Mr. STEPHENS. This was a weekly paper, was it not?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. How long did that campaign continue?

Mr. GRACE. That campaign continued night and day for a year.

Mr. STEPHENS. It continued for 12 months?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. In those 12 months how many extra issues of the paper did you get out?

Mr. GRACE. I declare, I don't know, sir.

Mr. STEPHENS. Just give me your best recollection about that.

Mr. GRACE. I couldn't tell you. I don't know. Not so many extra editions, but thousands and thousands of extra copies.

Mr. STEPHENS. You did not get out so many extra editions, but you did get out thousands of extra copies, did you?

Mr. GRACE. Yes, sir; I did.

Mr. STEPHENS. How long does the term of mayor last?

Mr. GRACE. Four years.

Mr. STEPHENS. What is the salary? $3,500 I believe you testified to once before, did you not?

Mr. GRACE. Yes, sir.

Mr. STEPHENS. That is all.

Mr. GRACE. I want to say this, Mr. Stephens: I suppose you mean by that question, "Does it pay to be mayor of Charleston?" Not me. It does not pay me. My career in politics has cost me about $35,000 all told, not only in my campaigns, but in other campaigns.

Fortune has been very good, indeed, to me. I have been a very successful lawyer, and I have won some very big cases down in that part of the country, and I am not saying that in an egotistical manner, either.

Mr. CRISP. May I ask you a question, please, if you are through with what you want to say?

Mr. GRACE. Certainly, sir.

Mr. CRISP. You stated a moment ago to one of the gentlemen that you did not expect to take any steps to have Mr. Hughes called into account, nor did you intend to take any steps against any of the other gentlemen to have them called to account for the use of money in Charleston, and that your object here was to purify and remedy conditions in Charleston, and that this was the only forum that could correct the great abuse of money used in Charleston.

Mr. GRACE. Yes, sir.

Mr. CRISP. I want to ask you, should the House of Representatives expel Mr. Whaley, how would that correct the abuse and corrupt use of money in the election of municipal officers and the other officers of the city of Charleston and of the county of Charleston?

Mr. GRACE. Only in this way, Mr. Crisp. I have been working for a long time on an election law. I think our State election law ought to have the same forfeiture clause and that our city election laws ought to have the same forfeiture clause that this recent act of Congress has. I think this recent act of Congress is the best law which was ever passed, so far as corrupting elections is concerned, because if a man buys a title to office and he finds after buying it that it is not a good title and that he has thrown his money away and has no claim whatever to the office, he is not going to buy the office.

The CHAIRMAN. Does this act forfeit the office?

Mr. GRACE. Sir?

The CHAIRMAN. I say, does this act forfeit the office?

Mr. GRACE. When we reach that part of it I am ready to argue it with you. I am ready to argue with you, as I argued the other day, Mr. Chairman, that I think so. I think the meaning of the act is that the office shall be forfeited. A great many acts actually stipulate that the office shall be forfeited. For instance, in the Missouri Act, under which the Catlin case arose, they actually stipulate that the office shall be forfeited. I think the meaning of the act is that if a man files in Congress, solemnly and deliberately, perjured statement of his expenses, and you find that he has done so, I think Congress would be required to expel him.

The CHAIRMAN. As a matter of equity and justice, do you think it would be fair to punish only one of those five parties?

Mr. GRACE. In the first place, I say that two or three of those parties are what might commonly be called "pikers." The other man certainly has been punished enough already.

The CHAIRMAN. If they were put up merely as men of straw and they violate the law, should they escape?

Mr. GRACE. But, Mr. Chairman, they were not put up as men of straw.

The CHAIRMAN. What did you mean by the expression "pikers"?

Mr. GRACE. They could not face the music. That is the whole thing. You take Padgett; he is a good fellow, a clean fellow, and a good lawyer. He lives in a country district. He has comparatively no money, and if he had had the money he might have spent it, but he did not have it, and that is all there was to it. He could not spend it, and, therefore, he has not been punished in the sense that the other man was punished who did spend it. I will say this, that if it had not been for the money that was spent I believe Padgett would have been the man to be elected, because as it was he ran very well without the expenditure of any money.

The CHAIRMAN. Don't you think that a man who would be foolish enough to spend $60,000 for a seat in Congress would be punishing himself?

Mr. GRACE. I certainly do. I think that conditions ought to be so that a man can not spend $60,000 in order to get to Congress. I think that is the meaning of the act; in fact, the act says you can not spend over $5,000 to get to Congress. Here is the position you put an honest poor man in: Suppose an honest poor man wants to run for Congress. Can he come here with the other man willing to spend $60,000, notwithstanding the law, if the man who spends the $60,000 is willing to come here and perjure himself? The honest poor man is excluded. Suppose an honest rich man wants to come to Congress. In case an honest rich man wants to come to Congress he can not come because even though he can spend his money, yet when it comes to writing his name to an oath, taking a solemn oath as to the amount of money he has expended, he can not perjure himself and he will not do it; so he can not come. For that reason the effect of this law is that it puts a premium on the rich and the crooked man coming to Congress. That is the effect of it, unless the meaning of the act is that if a man spends more than $5,000 he can not come to Congress, and whatever direction you go in, you go in the direction of wrong and injustice and endanger our institutions.

Mr. STEPHENS. Suppose we get back to the facts again.

Mr. GRACE. You asked me why I did not do that, and I think I have explained as to why I did not do it before.

The CHAIRMAN. Pass on, then.

Mr. GRACE. There is the affidavit which Mr. Heape made, and the check. In the first place, he did not offer this man any money, and, in the second place, if he gave him any check with those initials on it it was perjury.

The CHAIRMAN. Well, pass on down the line.

Mr. GRACE. I will say about those initials, Mr. Chairman, that the initials are "R. S. W." The initials are the initials reversed. The account which he had there was Whaley's account.

Mr. STEPHENS. The initials here are "W. S. R."

Mr. GRACE. "W. S. R."; yes, sir. I will leave it to you that that is not the man's signature or the same handwriting, done at the same time, and everything of that kind.

Mr. STEPHENS. Whose affidavit was that?

Mr. GRACE. That is Mr. Heape's. Mr. Heape is Mr. Whaley's cousin. He is the man who wanted me to vote for Mr. Whaley on the ground that he was his relative.

The CHAIRMAN. Do you know why this was not passed through the bank?

Mr. GRACE. Yes, sir. Mr. Barshay tells us in his affidavit that he took this check from Mr. Heape, who had come into his place in the interest of Mr. Whaley and spent some money there on the crowd, but after the election was over the check was returned unpaid because he did not have any money in the bank. It is a crime in the State of South Carolina to give a check on a bank if you haven't any funds there to meet it, and here is a man that Mr. Whaley bolstered up who has, on the face of the record, given a check on a bank that did not have any money there to his credit and who thereby committed a crime.

Mr. STEPHENS. I want to call attention to this fact, at the bottom of page 11, where Mr. Barshay says that on the day before the second primary this man Heape gave him a check. The check is dated the 12th of April.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. The second primary was held on the 15th of April.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. I just wanted to call attention to the discrepancy.

Mr. GRACE. You mean the difference of a day or two?

Mr. STEPHENS. Yes.

Mr. GRACE. I will leave it to the committee to say if that is not a genuine check. If you don't think so, I have another one here for comparison. If you do not think that is a genuine check, I will show you another check.

Mr. FREAR. As I now remember it, in Mr. Heape's testimony and in his affidavit he states that he did not offer to hire the headquarters with money belonging to Mr. Whaley, or something to that effect.

Mr. GRACE. Yes, sir.

Mr. FREAR. That is carrying out the suggestion you made that he did not make the proposition whether he hired the headquarters or not.

Mr. GRACE. Yes, sir.

Mr. STEPHENS. That $16 check Mr. Barshay said was paid for some drinks.

Mr. FREAR. In his affidavit he admits he spent some money for drinks there.

Mr. STEPHENS. Yes, sir. Do you know the page on which Mr. Heape's testimony is?

Mr. GRACE. I have an indexed copy there.

Mr. FREAR. You mean the second affidavit?

Mr. STEPHENS. No; Mr. Heape's affidavit.

Mr. MCCLELLAN. I think it is on page 69.

The CHAIRMAN. It is at the bottom of page 69.

Mr. GRACE. You see in the first affidavit where he offered to bring Mr. Whaley's brother there to close the deal; he offered to bring Dr. Whaley there to close the deal.

Mr. STEPHENS. Yes; I see that.

Mr. GRACE. Mr. Chairman, I want to read you an affidavit that I think covers the case. Of course, this is only my opinion. This is a rebuttal affidavit. This is the affidavit of John J. Crovatt, and reads as follows:

Mr. STEPHENS. That is the third affidavit which Mr. John J. Crovatt has made.

Mr. GRACE. That is the third affidavit which Mr. John J. Crovatt has made; yes, sir.

The CHAIRMAN. Why did you not state those facts in the first place?

Mr. GRACE. I will tell you. That has been a very painful thing for me to do. Mr. Crovatt raised that boy, as he tells you, and the boy is no good.

The CHAIRMAN. What, if any pressure was brought to bear on him to cause him to make those affidavits?

Mr. GRACE. What pressure was brought on Crovatt?

The CHAIRMAN. What pressure was brought on Crovatt; yes, sir.

Mr. GRACE. I took the record over to Mr. Crovatt, over to Mr. John Crovatt. I call him "John" and I said, "John, here is what we are up against; do you see this?" I read it over—he is a man that weighs about 250 pounds—and he broke down and said, "Well, if it breaks up my family"—this boy isn't his; he and his wife have no children—"if it breaks up my family," he says, "I am going to tell what I know. I do not think I can get off, but if I can get off I am going to Washington with you." Mr. Crovatt made that affidavit just like I am making this affidavit here to-day. We have to do it. It is not a pleasant thing for me to do or for any man to do, and he did not like to do it because this was a boy that he had raised.

Mr. STEPHENS. If I caught what Mr. Crovatt said in that statement, Crovatt stated that he bought this man Thomas W. Young for $50.

Mr. GRACE. Yes, sir; that is exactly what he stated.

Mr. STEPHENS. He resented Mr. Whaley talking to him about money, but he was willing to corrupt his own nephew.

Mr. GRACE. He was not for sale personally, and he knew that his nephew was for sale.

Mr. STEPHENS He corrupted his nephew by paying him $50 for his first primary and $20 for the second?

Mr. GRACE. His nephew had already been corrupted, and he knew it.

The CHAIRMAN. His conscience did not hurt him when it came to corrupting somebody else, though?

Mr. GRACE. No, sir; I must say that is the situation. That is exactly what we are driving at, Mr. Post, and it will go on and get worse.

Mr. FREAR. Mr. Young's affidavit, filed by Mr. Whaley, admits he received about $60 when he had charge of the headquarters there?

Mr. GRACE. Yes. sir.

Mr. FREAR. This affidavit claims between $100——

Mr. GRACE. $400 is the testimony, according to Mr. Fosberry's affidavit. Now, Mr. Chairman, you must remember that this boy Young here is a great power, because his technical right as an American citizen gives him the right to vote and gives him the right to vote a certain class of people that go along with him.

Now, the man who has the money (that is, as I understand, the object of the act) can take and treat that as merchandise, and that is what he wins his elections with. Now, then, do you mean to tell me that if a man is absolutely so besotted that he steals out from under his own uncle's roof and his uncle can not do anything with him, that he ought not to do that? His only way to do it is to buy that boy that he raised. I would do it in a minute. I do not think anybody would hesitate to do the same thing under those circumstances.

Mr. CRISP. But there is no assurance of them staying bought when you buy them?

Mr. GRACE. Not Young——

Mr. FREAR (interposing). That is the record. We have the record to that effect.

Mr. CRISP. If they had gone back after they paid the last $50 with a ten-dollar bill they probably could have bought him again.

Mr. GRACE. I suppose the $50 was to be delivered in case he did not get to the polls with it. Before he got $50 from Mr. Crovatt he had to show what he had done with what he had.

Mr. CRISP. Mr. Crovatt was experienced in that line of business, was he?

Mr. GRACE. Yes, sir.

Mr. FRENCH. Who furnished the $50 to Mr. Crovatt?

Mr. GRACE. It was Mr. Hughes's money. I am pretty sure that Hughes furnished practically every cent of that money himself. I am not sure of that. My own opinion is that Hughes either actually put it up or it was advanced by him. Anyhow, Mr. Hughes was responsible for it.

The CHAIRMAN. What is Young's business?

Mr. GRACE. Young is a machinist; and although he knows he sold him out on the second primary, he has absolutely required and forced Mr. Whaley not only to put him in the navy yard there (and he is only a third-rate machinist, at that), but he has the pick of all of the jobs in the navy yard, this same little rat, and he goes around absolutely defying the civil-service regulations. I went to see Admiral Helm not along ago, and while I was talking to him there I happened to see this little rat Young strutting around the navy yard there.

Mr. STEPHENS. Who did you say got the job for Young?

Mr. GRACE. Richard S. Whaley.

Mr. STEPHENS. You are sure of that, are you?

Mr. GRACE. Yes, sir; I am sure of that.

The CHAIRMAN. Did you try to get Young's affidavit?

Mr. GRACE. Did I try to get Young's affidavit?

The CHAIRMAN. Yes.

Mr. GRACE. I have not tried to get any affidavits. Personally, I have not come in contact with a single person.

The CHAIRMAN. I do not know nor do I care whether you tried to get it personally or not, but did you try to get Young's affidavit?

Mr. GRACE. Personally, no, sir.

The CHAIRMAN. Did any of your people try to get it?

Mr. GRACE. I think Mr. Crovatt wanted him to testify on that when this case was first brought. I do not know now, but I think Mr. Crovatt wanted him to testify.

The CHAIRMAN. You say that is a clincher; when you bring Crovatt, Young, and Whalen and the other fellow that was with Whalen there together, wouldn't you be apt to land up with about three or four people against one?

Mr. GRACE. You say if I did what?

The CHAIRMAN. If you were to bring all of the parties to that prosecution, don't you think you would land up with three or four against one?

Mr. GRACE. I think if you would go to the Germania Bank you could see the account where the money was deposited.

The CHAIRMAN. You take folks like that fellow Young, who deposited $150 in the Germania Bank; he must have sold out forty or fifty times to these people and got his $150 that way.

Mr. GRACE. It is possible he did that.

Mr. STEPHENS. He got $70, I believe.

Mr. GRACE. He got $20 for a little fighting for Hughes on the first primary.

Mr. STEPHENS. And he got $50 the second time?

Mr. GRACE. Yes, sir. Just how many times he gave him money I do not know, but he says he gave it to him to run the headquarters down there.

The CHAIRMAN. Was that legitimate?

Mr. GRACE. Certainly not. Those headquarters which they run down there, you mean?

The CHAIRMAN. Isn't it legitimate under the laws of South Carolina for a candidate to have headquarters?

Mr. GRACE. To entertain a lot of bums for two weeks and keep them full of liquor?

He opened up a keg of beer down there, and that is absolutely against the law. He had a keg of beer for them there, and he kept corralling them and bringing them badges on election day.

The CHAIRMAN. The question I am putting to you, Mr. Grace, is this: Under the laws of the State of South Carolina isn't it permissible for a candidate to have headquarters, his own headquarters?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Isn't it permissible for him to hire rallyers and boosters, etc., and pay them for it?

Mr. GRACE. No, sir; it is absolutely against the law.

The CHAIRMAN. Does your secretary of state publish election laws in pamphlet form?

Mr. GRACE. No, sir; not election laws. Our code is here. You can get our code. You can not hire people at all. You can not do anything that resembles employing a man on election day for political work. You can appoint watchers, but they have got to work gratuitously for the cause.

Mr. FREAR. Can they hire teams to bring the voters to the polls?

Mr. GRACE. No, sir.

Mr. FREAR. Is there a prohibition against that?

Mr. GRACE. My recollection is, and I am pretty sure about it, that there is a prohibition against all of that sort of thing.

Mr. BRYANT. There is no prohibition against that. You had better take the law and read it.

Mr. FREAR. I know they have that law in the code of some of the States.

The CHAIRMAN. We have in our State.

Mr. FREAR. I know they have in some of the States.

Mr. CRISP. We have that law in Georgia, too.

Mr. GRACE. My recollection is that there is a prohibition against that sort of thing.

The CHAIRMAN. What else have you there, Mr. Grace?

Mr. FREAR. The reason I spoke of that was because several of the affidavits have referred to that.

Mr. GRACE. Somebody asked about O'Brien. Here is another one about Young.

The CHAIRMAN. Has he made an affidavit heretofore.

Mr. GRACE. I think he did make an affidavit in the first place; then he made a counter affidavit—Young made a counter affidavit.

The CHAIRMAN. On what page is Young's affidavit?

Mr. GRACE. I know he made an affidavit, Mr. Chairman.

The CHAIRMAN. What page is it on?
Mr. GRACE. I do not see it here.
Mr. STEPHENS. It is right here. Here it is.
Mr. GRACE. He must have made one because Mr. Whaley replied to it.
Mr. FREAR. On what page is the reply.
Mr. GRACE. You mean Whaley's reply?
Mr. FREAR. Yes.
Mr. GRACE. I do not know. Here is O'Brien's affidavit.
The CHAIRMAN. What page is that?
Mr. GRACE. I mean this affidavit in rebuttal now. I really do not know what this affidavit says.
Mr. FRENCH. Who made that?
Mr. GRACE. D. J. O'Brien. He originally made an affidavit and then Young comes back and makes an affidavit about O'Brien's affidavit, saying he was telling the truth. I will read you O'Brien's affidavit.

Copy.

STATE OF SOUTH CAROLINA, *county of Charleston:*

Personally appeared before me D. J. O'Brien, who being duly sworn, deposed and said that he is and was a resident and qualified elector of the city of Charleston and State aforesaid; that the first primary for Democratic nomination for Congressman from the first district of South Carolina was held in Charleston on Tuesday, April 1, 1913, and that Richard S. Whaley was a candidate for the said nomination; that in the morning of the primary above mentioned one Ignatius Donaghue, a worker in behalf of the said R. S. Whaley, told him that one Thomas Young while in the People's Building, one of the headquarters for the said R. S. Whaley, and where the badges and challenge papers were being distributed, asked where the money was that was to be handled that day, and when he was told that one Jack Lehman was to handle the money, became very angry and went back to Mr. R. C. Richardson, another supporter for R. S. Whaley, and told him that if he, the said Young, could not handle the money he would have nothing to do with the election, whereupon Mr. Richardson called Lehman and took the money from him and gave it to the said Young.

That the second primary for the aforesaid nomination was held in Charleston on Tuesday, April 15, 1913, that as a challenger in ward 3, club I, he heard Max Goldman, one of the Whaley workers at the said polls say that he was paying $10 per vote for Whaley; further that he had gotten $200 to start the day with and after making this settlement the said Goldman put his hand in his pocket and pulled out a roll of bills which amounted to, I think, about $50, saying that was all he had left, this was shortly after the polls opened early in the morning. That while acting in said capacity as challenger he saw one Thomas Burchfield, jr., a qualified voter approach the ballot box with a $10 bill in one hand, and a ballot scratched for Richard S. Whaley in the other hand, saying while the manager swore him in "to hell with the party, I got this $10 bill for voting for Whaley and Max Goldman is my friend." That he saw Goldman hand the ballot and the $10 bill to Burchfield as he was entering the poll to cast his vote.

(Signed) D. J. O'BRIEN.

(Verified.)

Mr. GRACE. That is the Young that Mr. Whaley has, since his election, although he did not have him the second primary, this man having deserted him because he would not give him any more money, he has found it necessary to break the civil-service rules in order to get him into the navy yard, this third-rate machinist, and that is the man that makes one of Whaley's affidavits.

Mr. Chairman, Mr. Whaley has produced in rebuttal affidavits of H. Milligan, and I will read you this criminal record.

Criminal record of H. Milligan.

July 26, 1913; lodged, charged with disorderly conduct and fighting, corner Columbus and Meeting Streets; released on deposit of $10; bail forfeited; Pvt. Thiele.

H. Milligan, March 1, 1912; lodged, charged with fighting, corner Calhoun and Elizabeth Streets; assaulting George Horntose; released on deposit of $10; bail forfeited; Pvt. Vance, Mr. A. Doar, Mr. Horntose.

H. Milligan, April 27, 1912; lodged, charged with assaulting and beating Mr. W. Wingate, America and Reid Streets; $50 or 30 days on chain gang; Pvts. Fultz, Garbini, Redell, Crocker, Mr. F. Thee, Mr. Wingate.

H. Milligan, December 31, 1911; lodged, charged with being drunk and disorderly and assaulting Carrie O'Day on premises No. 21 Mazyck Street; released on deposit of $10; bail forfeited; Pvts. Redell and Hazel, Martin.

H. Milligan, August 18, 1911; lodged, charged with disorderly conduct, cursing and swearing on Hamden Mall, also charged with assaulting the police; released on deposit of $25; bail forfeited; Sergt. Morgan, Pvt. McDonald.

H. Milligan, April 16, 1911; lodged, charged with John Seyle for cursing and assaulting the police; jury trial demanded, found guilty; $20 or 30 days on chain gang; Pvt. Friend, 2dpr., Pvt. Fultz, 2d.

Mr. STEPHENS. Did Mr. J. T. Milligan make an affidavit?

Mr. GRACE. Yes.

Mr. FRENCH. There is an affidavit by H. C. Milligan.

Mr. GRACE. That is his brother. I do not know whether he made it or not. This is the criminal record of John Burchfield:

Criminal record of J. Burchfield.

May 21, 1913; lodged, charged with house breaking and larceny from the office of the Charleston Bridge Co. on the night of May 9, 1913, and taking therefrom the amount of $6 cash, one razor, and cigars; admitted guilt; referred to Magistrate Williams; Detectives Brennen, Petronivich, Mr. Thos. W. Hughes, superintendent Bridge Co.

Mr. FRENCH. On page 69 is the affidavit of a Mr. Burchfield.

Mr. GRACE. That is the affidavit of Thomas Burchfield. J. Burchfield is a nephew of the man who was appointed postmaster.

Mr. FRENCH. I see that affidavit on page 69 is the affidavit of Thomas Burchfield, jr. What have you there?

Mr. GRACE. This is the same man, J. Burchfield. It is the same man. I suppose it is the same man, but that it is simply a clerical error. He has a brother on what we call the "Bird" gang. I will stand on this record because I happen to know the man. The police have been after him. That man Burchfield is a nephew of the postmaster who was appointed by Mr. Whaley after he was elected, Mr. Pullnot.

The CHAIRMAN. Is this Thomas Burchfield your witness?

Mr. GRACE. Not at all; no, sir. He is one of Mr. Whaley's impeaching witnesses.

Here is the criminal record of Frank Fosberry:

Criminal record of Frank Fosberry.

November 1, 1913, attempt suicide by cutting his throat with a piece of glass, corner Cumberland and Church Streets; sent to hospital; Pvt. Hasty.

Frank Fosberry and Willie Fosberry lodged; charged with being drunk and disorderly; fighting corner State and Cumberland Streets; $10 or 30 days on chain gang. Willie released on $5 bail; forfeited; Pvt. Pauls, September 18, 1913.

Frank Fosberry, white, and Eliza Walker, colored, December 21, 1912, lodged; charged with fighting on Market Street; released on $5 bail; forfeited; Pvt. Langan.

Frank Fosberry and E. Morris, November 16, 1911, lodged; charged with fighting, Calhoun and Meeting Streets; $5 or 10 days on chain gang; Pvt. Langan.

Frank Fosberry and Duncan McGinniss, May 31, 1910, lodged; charged with fighting and disorderly conduct on King Streets. McGinniss dismissed; Fosberry, $10 or 30 days in jail; Pvt. Tumbleston.

Mr. STEPHENS. He is your witness?

Mr. GRACE. Yes; and he is Whaley's, too. I did not tell you that Frank Fosberry is the man who is repeating all over the State and selling his vote, and on the face of it that is an impeachment of him, and a man who does that sort of thing and comes here to deny the truth of something, is he to be believed in that instance?

The CHAIRMAN. Is he to be believed in any instance?

Mr. GRACE. If a man makes a statement incriminating himself he is more to be believed, I think, than if he makes a statement exculpating himself.

Mr. STEPHENS. I would like to request that Mr. Grace be restricted and not allowed to argue all these questions of fact and questions of law.

The CHAIRMAN. Go ahead.

Mr. GRACE. Here is the record of R. F. Font.

Mr. STEPHENS. How would it do to file that list of records you have there and let it be published in the proceedings?

Mr. FREAR. This information is taken from the police records, is it?

Mr. GRACE. It is taken from the police records; yes, sir.

Mr. STEPHENS. Would that satisfy you?

Mr. FREAR. Yes, sir.

The CHAIRMAN. We will just ask you to file them, then, and we will read them.

Mr. Grace. Very well. I have some other affidavits here, and here is something that is not in official shape, as it is from the police headquarters.

The CHAIRMAN. How many of those affidavits have you?

Mr. GRACE. These are not in the form of affidavits. This work has been done since Friday and I left Saturday night, and I did not have time to get them in the proper shape, perhaps.

The CHAIRMAN. Well, we will just have all of those filed, and we will look them over, if you will hand them to us.

Mr. GRACE. And here is another one of Heape's checks.

Mr. STEPHENS. I wish to object to anything being filed that is not in the form of an affidavit.

The CHAIRMAN. He may file them with us.

Mr. GRACE. And here is an official certified record of the city treasurer, showing that under my administration the police force has collected several thousand dollars more in fines from these so-called blind tigers, and several more of them have been fined, although they were in business under the administration, than in preceding administrations. That is last year's official record.

Mr. FREAR. Does it give the amount?

Mr. GRACE. It gives the amount; yes, sir. Here is the official record of the dispensary investigating committee under which I alleged the charges of graft which I brought against Blease. The object of that is this: I put Stoddard, the chief detective, on the stand and questioned him about the condition of graft in Charleston, and made him admit——

The CHAIRMAN (interposing). Just leave it here and we will look it over.

Mr. GRACE. There is only one part of it that has any bearing on this matter. I did not expect to put the whole thing in.

Criminal record of J. T. Milligan.

May 24, 1911, lodged; charged with being drunk and disorderly, cursing and abusing the police, No. 37 Beaufain Street; released on deposit of $10; bail forfeited; Private McDonald.

J. T. Milligan, August 19, 1911, lodged on warrant of Recorder Jervy; released on deposit $20; bail forfeited; Private Fultz.

J. T. Milligan, December 11, 1911, lodged; charged with being drunk, disorderly, and fighting with E. Perry; released on deposit of $5; bail forfeited; Private Weddigan.

J. T. Milligan, April 27, 1912, lodged; charged with assaulting and beating W. Wingate; $30 or 30 days on chain gang; Private Redell Garbini, Crocker, Mr. F. Thee and Mr. Wingate.

J. T. Milligan, May 27, 1912, lodged; charged with assaulting and beating H. Billi on his premises, Hanover and Columbus Streets; case referred to Magistrate Rouse; Private Walsh, Detective John Hogan, and Mr. Billias.

Criminal record of R. T. Font.

December 11, 1913, lodged; charged with being drunk and disorderly, also resisting arrest; $10 or 30 days on chain gang; Private Scoppel.

R. T. Font, lodged, charged with attempting to enter premises of Mr. A. F. Seebeck, corner State and Cumberland Streets; $10 or 30 days on chain gang; Private Aulberry, October 4, 1913.

R. T. Font, August 27, 1912, lodged; charged with assault and highway robbery of $3.85 from the person of George White (negro), corner of Concord and

Market Streets, on the night of August 12, 1912; referred to Magistrate O'Shaughennesy, chief of police, Detective Brennen and Petronivich.

R. T. Font, January 27, 1912, lodged; charged with breaking into premises No. 26 Market Street; $5 or 10 days on chain gang; private Friend, second, and Dawson, third.

R. T. Font, July 17, 1911, lodged; charged with interfering with an officer in the discharge of his duty; released on deposit of $10 bail, forfeited; Sergeant Morgan and Private Johnson, second.

R. T. Font, September 16, 1910; lodged on warrant of Magistrate Rouse and delivered to warrant; Private Langan and Hilton, first.

R. T. Font, September 14, 1910, lodged; charged with assaulting and striking Mr. J. K. Gruber, corner Broad and Meeting Streets; released on deposit of $10 bail; forfeited; Private Shikes and Mr. Gruber.

R. T. Font, February 7, 1910; surrendered himself; claimed to have accidentally shot H. W. Powell at power house; referred to Magistrate Williams.

V. Font, June 14, 1913, lodged; charged with disorderly conduct, fighting in house of ill-fame, No. 10, Cumberland Street; released on deposit of $25; bail forfeited; Private Breen.

V. Font, October 23, 1913, lodged; charged with disorderly conduct and making disturbance, Meeting and Market Streets; $15 or 30 days on chain gang; also charged with being a vagrant, $15 or 30 days on chain gang; total, $30 or 60 days; Clerk Calder and Private Hilton, first.

Mr. FREAR. I want to ask you a question about the system of fines which you have. What does it average for the different blind tigers about which you spoke—the income to the city, on the average?

Mr. GRACE. We find, I think, every year something like 215 blind tigers.

Mr. FREAR. How much?

Mr. GRACE. Two hundred dollars a year. I have a copy of the internal-revenue licenses. Mr. Whaley made a statement the other day about this matter, in which he said there were 369, including the drugstores, and including all of the people who have to take out an internal-revenue license under the law, but the showing is that there are less now than there were under his brother-in-law's administration, and the books of the United States revenue officials show that although there has been a less amount of business we have collected $5,000 more in fines every year. In other words, we have been hotter behind the blind tigers under his established system. Mr. Whaley said I was a grafter. That is what it meant.

Mr. STEPHENS. Permit me to ask this question: Has the number of blind tigers increased or decreased in the past two years?

Mr. GRACE. The number of blind tigers has decreased, but the number of blind tigers that have paid their fines has increased. In other words, the revenue collector's receipts have decreased.

The CHAIRMAN. Why didn't you fine them all?

Mr. GRACE. We fined every one of the 369 blind tigers. The internal-revenue collectors' license, as I say, includes drug stores, grocery stores, and other places that sell malt, and it includes clubs, for instance, such as the Charleston Club, that sells liquor, and you can not fine a club under the law.

The CHAIRMAN. I believe you said there were 250 blind tigers in Charleston?

Mr. GRACE. I said that, in round numbers, there might have been 250 at one time. I do not think there are more than 220 now, at the outside, and every one in the city of Charleston, as fast as we can possibly find them, are fined $200 a year.

The CHAIRMAN. They are fined $200 a year, which would make $44,000 a year income.

Mr. GRACE. Yes, if they all stayed in business. Mind you, blind tigers are a sort of fly-by-night thing. If they stayed in business for the full year, and there were 220 of them in business, it would make $44,000 a year. We found licenses taken out in one year—every man going in business has to take out a new license, and this covers the whole year, covers duplication and so on. I challenged, in my papers, any individual to come and give me information, and we finally brought it up $5,000 more a year than my predecessor had been getting.

The CHAIRMAN. You went into office in 1911, or was it 1912?

Mr. GRACE. I went into office at the beginning of 1912.

The CHAIRMAN. At the beginning of 1912?

Mr. GRACE. Yes, sir.

Mr. FREAR. Did you fine the drug stores and those other people.

Mr. GRACE. No, sir. They have a right to sell liquor for medicinal purposes, but not by the drink, you know.

The CHAIRMAN. What else have you?

Mr. GRACE. I have an affidavit here by T. E. Gleason.

The CHAIRMAN. What else?

Mr. GRACE. Here is an affidavit by John Altbury. They were after Gleason and Altbury to get them to sign rebuttal affidavits, and I should not be surprised if they succeeded or will succeed. Here is an affidavit of a man who works on the street, and here is an affidavit saying that they were using coercive means, and at the presentment of the grand jury here which presented this matter to Judge Washington, for the first time in my life I heard Whaley referred to as distinguished. This was a notorious character, and he only escaped the charges now because Blease pardoned the greatest thugs in the penitentiary.

Mr. FREAR. How does he manage to get elected?

Mr. GRACE. How does Whaley manage to get elected?

The CHAIRMAN. How did Mr. Grace manage to get elected?

Mr. GRACE. Well, I will tell you about Mr. Grace. Mr. Grace managed to get elected under tremendous odds, because I had persisted, night after night, in going around on the street corners and standing on soap boxes preaching the doctrine of reform in the city of Charleston.

The CHAIRMAN. What other affidavits have you there?

Mr. GRACE. I have another affidavit here.

Mr. FREAR. Well, we will ask the chairman to read it, and you need not take the time now.

The CHAIRMAN. Let us see what you have there. We must hurry along.

Mr. GRACE. These are some of the affidavits I had here before, and they have become more relevant in view of some of these counter affidavits.

The CHAIRMAN. Just put all of the affidavits that you have there in a bunch and we will look them all over.

Mr. GRACE. Here is one thing I think I ought to mention merely in passing by. You have an affidavit there of Mr. Ackerman denying all this. Just let me say this, if you please, that Mr. Whaley was very adroit in referring to the memory of George Legare. I want to say that George Legare and I were the closest personal friends when he was elected to Congress, and I was with him and Whaley was against him. Whaley had come here and traded on the memory of George Legare. I happen to know that he went in and worried George Legare up to the day of his death. Whaley was always plotting to succeed him, and I can produce affidavits to that effect.

Mr. STEPHENS. Mr. Chairman, I object to all this going into the record. I do not think the differences between George Legare and Mr. Whaley ought to come in here at all. It has absolutely no place here, as I see it, and it does not touch the issue here at all, and it is just like a great many other extraneous matters that have been thrown in.

Mr. GRACE. But they are in.

Mr. STEPHENS. I am sorry that some of the things went in that did go in, but that does not license you, Mr. Grace, to take up our time going into a discussion of that character. We have been here with you nearly all day.

Mr. GRACE. I am only discussing it because it is in answer to Mr. Whaley. If I had been here the day he was here I could have asked him some very embarrassing questions about Mr. George Legare.

Mr. STEPHENS. If you had been here those questions would not have been permitted because they do not concern the issue at all.

Mr. GRACE. But he injected it into the matter. At any rate, here is Ackerman's letter to Larisey.

The CHAIRMAN. Just pass it down here.

Mr. GRACE. I will read you that letter.

WALTERBORO, S. C., *August 12, 1912.*

Mr. LEON LARISSEY,
Charleston, S. C.

DEAR LOEN: There has been no picnic up here since I got your letter, but our county campaign meeting begins at Sniders to-morrow and continues through the week. If you can come to Saltkahatchie on the C. & S. road and come out by private conveyance, if not come up Thursday, change cars at

Green Pond; come on through here and meet us at Lodge and continue the balance of the week. I have written about 30 letters, but don't fail to come to Lodge any way, even if you don't get to Sniders Cross Roads, and I'll tell you all about it.

Good luck and come to see me.

Your friend,

W. B. ACKERMAN.

STATE OF SOUTH CAROLINA, *County of Charleston.*

Personally appeared H. Leon Larisey, who, being duly sworn, says that the letter attached hereto and made part of this affidavit, and marked Exhibit A., was written by W. B. Ackerman, who is the same W. B. Ackerman who, at page 99 of the record herein, says, or is alleged to have said: "Deponent further deposes that he has known the said H. L. Larisey for a long time, and that the said H. L. Larisey has always borne the reputation of being a crook and swindler, and willing to do most anything for the dollar. Deponent knows his reputation for truth and veracity and would not believe him on his oath." That this deponent, at the time of the writing of the letter attached hereto and marked Exhibit A, was a candidate for Congress against the late Hon. George S. Legare, and this letter was written in reference to the campaign then in progress, and just before the election for that office, and that the said W. B. Ackerman voted for this deponent in said election and worked for him throughout the campaign and on the day of the election; that in response to this letter, this deponent made the trip referred to and was met by W. B. Ackerman, who campaigned for him against the said late Hon. George S. Legare.

H. LEON LARISEY.

Sworn to and subscribed before me this 13th day of December, 1913.

W. TURNER LOGAN,
Notary Public S. C. [SEAL.]

Mr. GRACE. He said he would not believe this man under oath.

The CHAIRMAN. A man might be friendly to a man one day and unfriendly the next.

Mr. GRACE. He said he never would believe him under his oath. Just read Ackerman's affidavit and then read that letter. Now, in regard to Larisey. Here is Peurifoy's letter to Larisey.

The CHAIRMAN. Just pass them all up here, and we will real them.

Mr. GRACE. Here is the substance of that letter:

WALTERBORO, S. C., *May 25, 1912.*

Mr. H. LEON LARISEY,
Charleston, S. C.

DEAR SIR: We have yours of the 22d, and in reply beg to say that in our recollection you are correct. The original papers in the case of Exchange Banking & Trust Co. *v.* H. F. Towles were sent to us by Mitchell & Smith, representing the Exchange Banking & Trust Co., as we understood it. Later you employed us to look after your interest. We did the best we could, but, as you know, lost the case before the jury. We stated that we had every reason to believe that we could reverse the circuit court, and you instructed us to go ahead and perfect the appeal. We gave notice of appeal and ordered a transcript of the testimony, which was furnished. When it came to the point of paying for the testimony Mr. McDowell then disclaimed any responsibility whatever for either our fee or the expenses in the case. We requested you to pay it, but you did not see your way clear to do so. Having ordered the testimony, we were under obligations to pay it ourselves, which we did.

The next step in perfecting the appeal was to have the case printed, which would have cost over $100. As neither you nor the Exchange Banking Co. would foot the bills necessary for perfecting the appeal, we were left without a client.

I agree with you that the Exchange Banking & Trust Co. is responsible to us for our fee in representing them. At the same time, when they instructed us that they would not pay for the appeal there was nothing for us to do but to let it drop.

As to our not replying to your letter, we do not see how this altered the case. The parties had said something about a compromise, but their terms were so unreasonable that we did not consider it. In the meantime we were doing everything in our power to get you or the bank to meet the necessary expenses

to perfect the appeal. The bank refused to have anything to do with it, and we notified you of this fact. The bank knew that you would not pay it. So there was absolutely nothing for us to do but to abandon the case, having been abandoned by our clients.

We regret exceedingly that the case was not perfected for appeal, for we believe now, as we did then, that the verdict was unjust and against the weight of the testimony, and that the judge's charge was so outrageously erroneous that there would have been no difficulty in having it reversed. However, as stated above, we had already been compelled to pay for the testimony and we did not propose to go farther and pay for printing the record, pay our expenses in Columbia, and work for nothing. We are sorry, but we feel that we have done all that we could.

We are sending your papers and the entire record in the case, with the exception of the testimony.

Yours, very truly, PEURIFOY BROS.

Mr. FREAR. That ought not to weigh much.

Mr. GRACE. They admit in that, by the way, that they got the money.

Mr. FREAR. The affidavit says he did not get his money.

Mr. GRACE. I just want to say this, Mr. Chairman: You asked me why I brought this case. Among a great many other reasons, suppose a man, before election, after having lived a life of injurious hypocrisy, were to picture you as a thug and a blackleg, and all sorts of things like that, were to deliver a valedictory at the end of his campaign, and then supposing, having said this or discussed the situation, his closing remarks were, "I know they are determined to carry this election, but whether they intend to vote for my opponent or for me let nothing keep them from the ballot box to-day; let each one register his opinion by casting his vote for the man whom he thinks will better represent him in the Halls of Congress, and, after voting, I ask that everyone who is interested in the welfare of his community, and wishes to rid it of corrupt politics, to remain about the polling place for as long a time as he can spare from his business."

The CHAIRMAN. Without taking any further time to read that newspaper article, that was simply a stump speech, and he didn't say anything more in there than you have said time and time against him.

Mr. GRACE. I never said anything in my life against Mr. Whaley that wasn't justified, and he never said anything in his life that I could not take exception to. He was going into the elections and predicating his election on purity, and telling the voters that he was an honest man and things like that.

The CHAIRMAN. And, on the other hand, you stood on every street corner and said the same thing about him.

Mr. GRACE. No, sir. I never in my life have been a hypocrite in politics.

The CHAIRMAN. But you wrote him a letter in which you referred to him as a snake.

Mr. GRACE. I agree with you, sir. I think the other day, in quoting Mr. Larisey, I believe that I did say I hated him like I would a snake, and I think I could not have picked a better comparison. The gist of this action is perjury, and if Whaley has committed perjury then whatever punishment is fixed for perjury must follow.

The CHAIRMAN. I believe that we know what the gist of this action is. What else have you there that you want to introduce?

Mr. GRACE. I have a whole lot of new affidavits here in regard to bribery, and so on.

The CHAIRMAN. Just leave them with us.

Mr. FREAR. I think it is well to leave them, although I do not think they are entitled to be filed.

Mr. GRACE. I think they are important. Here are receipts giving the money back to Whaley, $100 apiece, and giving them back to Mr. Bissell, Mr. Whaley's brother-in-law, for the man who did show up the day after election that he bailed out for illegal voting and who forfeited the $100 for the men that did not show up for illegal voting. I will put this in evidence.

Mr. CHAIRMAN. Mr. McClellan the other day referred to an inaccuracy, and to show that Mr. McClellan was in error about it I will say that Mr. McClellan asked Mr. Whaley about some inaccuracies in his statement. Taking the position, as I have previously said, that there was an inaccuracy between the Whaley statement as filed with the secretary of state at Columbia and with the Clerk of the House of Representatives here, and this took place—I did

not even know that Whaley had filed a statement in the office of the secretary of state in Columbia.

Mr. FREAR. It was a mistake that Mr. Whaley was laboring under, that is all. We discovered that there were two, and we were trying to explain them. We do not care about that.

Mr. GRACE. I want to repeat this, that there is a discrepancy in Whaley's own statement as filed here. He did not explain that. He explained and made a great deal out of the fact that the statement filed in Columbia was different from what he filed here, because he was not required to file here certain items which he was required to file in Columbia. You will find on the face of his statement here things that can not be reconciled. For instance, he says he paid $1,800 for watchers and rallyers in the second primary and nothing for the first primary, although this other affidavit talks about the fact that the watchers and rallyers were for the first primary and not for the second primary. Now, he admits that he spent $1,800. Think of it! Going into the first primary, the vital primary, where if he did not win out the second primary would be no good to him at all, and then filing nothing as to the amount he spent for watchers and rallyers in the first primary. But in the end, when we have this thing explained to the committee, then he admits he spent $1,800; that is what I referred to and not this statement which I did not know anything about.

Just a few words in conclusion. I suppose it will not be necessary, under the rules of the committee, for me to absolve myself from any animus, because if that is one of the issues I can show I have no animus personally against Whaley, and never have had, but I have a terrific animus against this kind of politics. As I understand it, however, it is not necessary for me to absolve myself from any such animus as that, because that is not a part of this case.

The only thing which I think it is necessary for me to do, as I understand it, is to show and prove that Whaley spent more than $5,000.

The CHAIRMAN. You say you have no animus against Whaley?

Mr. GRACE. Do you mean to say, Mr. Chairman, in this proceeding? Is that what you mean?

The CHAIRMAN. Why do you say you have no animus against him as a man?

Mr. GRACE. I have no animus against him as a man, but I am not on friendly terms with Whaley.

The CHAIRMAN. He said in his statement, quoting Larisey before the committee, "I hated him like a snake."

Mr. GRACE. Yes, sir.

The CHAIRMAN. He should have said, "I hate him because he is like a snake."

Mr. GRACE. Go on; proceed.

The CHAIRMAN. "He does not hate a snake."

Mr. GRACE. Yes, sir.

The CHAIRMAN. "The literature of the campaign referred to him specifically as a wiggler and as a man who knew how to make black white, and that is the characteristic of a snake and the charcteristic which he is now exhibiting before your committee."

Mr. GRACE. Read a little ahead of that.

The CHAIRMAN. That explains your animus against him.

Mr. GRACE. Will you read a little more there where I say I hate the methods.

Mr. FREAR. I do not think that is material, anyhow. It does not seem to me the committee cares about that point.

The CHAIRMAN. He brought this subject up himself.

Mr. GRACE. You will find it there, Mr. Post. You will find that I tried to make that clear. What I am fighting is this situation, which I had hoped this act of Congress would end, and I think does end. This whole thing occurs in the primary.

Mr. FREAR. Of one party, doesn't it?

Mr. GRACE. Yes.

Mr. FREAR. How can there be a man come up as a contestant of an election from your district?

Mr. BRYAN. He goes from the executive committee of the county to the congressional committee.

The CHAIRMAN. He would be a contestant in this case.

Mr. FREAR. He would be a contestant in this case. Suppose a man succeeded Whaley, what would be his position?

Mr. BRYAN. I am not talking about the primary election. I am speaking about a contestant here in Congress, a contestant in a proceeding before Congress, where a contestant can be seated.

Mr. FREAR. There is provided in the Democratic Party the same method of protest and contest as there is for every county and State office.

Mr. GRACE. A man can not be a candidate if he is defeated at the primary unless he bolts the party.

Mr. MCCLELLAN. Then you would only have one candidate?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Mr. Grace, you stated that in the local courts you would have no remedy, because the charge would divide upon political and factional lines.

Mr. GRACE. That is one reason.

The CHAIRMAN. How about the Federal courts now?

Mr. GRACE. I do not know about the Federal courts.

Mr. CRISP. I think this act specifically provides as a penalty attaching to cases where a man violates it, either in the primary election or in the election itself, where the case comes before a Federal court he is liable to be fined $1,000 or imprisoned for one or two years, or both, in the discretion of the Federal judge. I think the act carries that specific penalty in it.

Mr. GRACE. I agree with you on that. The congressional act that was passed provided for each party to have a chairman and treasurer, and all that kind of business, and enumerated certain duties. It had no maxim, and it did not say that the candidate himself should file any statement. It simply provided that the treasurer should have certain clerical duties, and that the machinery of each party should be carried on in such and such a way, and the penalty clause was incorporated in the act providing that where these officers failed to perform their duty in connection with a campaign they could be fined under the provisions of the act.

The CHAIRMAN. That was amended?

Mr. GRACE. There was a clause put in the law preventing a candidate from spending more than $5,000, but not providing any penalty if he should do that. I have looked into the provisions of this act very thoroughly and compared it, by analogy, with other cases that were similar, and I think the meaning of it is that if a candidate spends more than $5,000 he can not come to Congress.

The CHAIRMAN. Let me put this question to you, Mr. Grace: Don't you think the way to clear up the political atmosphere down there would be to go before the Federal grand jury and not only indict Whaley, but Mr. Hughes and Peurifoy, unless Peurifoy is in such a situation that he should not be indicted out of humanity? Don't yon think that would clear up the political atmosphere much better than simply pursuing one individual?

Mr. FREAR. But where would you get the jury?

The CHAIRMAN. The jury would come from all over the State. A Federal grand jury comes from all over a State.

Mr. GRACE. Mr. Chairman, do you think that was the way it should have been done in the Catlin case? It was not remedied in the Catlin case.

The CHAIRMAN. But they sent a good many of them to the penitentiary down there, did they not?

Mr. GRACE. We might get at the men who are the chief beneficiaries of all these things. They are the fellows who corrupt all these little fellows who have done these things, and that is one way they did in the Catlin case.

The CHAIRMAN. Take your man Bogan, for instance.

Mr. GRACE. Yes, sir.

The CHAIRMAN. He says that in those primaries down there, because he is an experienced politician, that every election they seek him out and put large funds in his hands and he spends them down there. Don't you think that could be broken up and this Mr. Hogan turned down if he were to be indicted by a Federal grand jury?

Mr. GRACE. I can only answer that in the language of a very illustrious statesman, that you can not indict a whole people. In other words, I do not believe that the machinery of justice would be elevated in respect to mankind in that particular neighborhood down there by attempting to prosecute a few of those people for something that they have been born and brought up to do.

The CHAIRMAN. It is true that you can not prevent horse stealing by punishing a few of the fellows that you catch, but we do punish the fellows that we catch stealing horses in order to deter others from stealing. All of those fellows that you catch who are violating the Federal statute in these primaries can be indicted in the Federal courts?

Mr. GRACE. Yes, sir. In the West in cases of horse stealing the men who stole the horses knew what the penalty was; and knowing the penalty and knowing that their heads were going to come off if they did it, it deterred them to some extent from horse stealing. But to start right in the middle of the conditions which we find down there it would be a difficult proposition.

The CHAIRMAN. You mean that the conditions are such that they have gotten beyond the point where a start could be made?

Mr. GRACE. Yes, sir. I mean to say that I would not know how to start or who to start on, unless I started on every man, as far as prosecuting the people that did it is concerned; and I could not do that, and I do not know anybody in Charleston that could, either.

The CHAIRMAN. Why?

Mr. GRACE. Because everybody has been a part of it. Pretty nearly everybody in Charleston has been a part of that system.

Mr. CRISP. I would like to ask a question pursuant to what I asked a while ago. Then, Mr. Grace, you contend, as a lawyer, where that act was amended the penalty clause of the original act does not apply?

Mr. GRACE. Yes, sir. I mean to say that where the old act was amended the penalty clause does not apply to the amended act.

Mr. CRISP. You would not contend that the penalty is a nullity so far as a candidate for Congress is concerned, would you?

Mr. GRACE. Yes, sir; that is my view.

The CHAIRMAN. Can you cite us any authority on elections where upon the memorial of a single individual Congress has excluded or expelled a Member?

Mr. GRACE. I never have looked that up, Mr. Chairman. I don't know. I do not ask you, Mr. Post, you know, to expel him merely on my memorial. I ask you to investigate the conditions; and if you find that what I state in my memorial is true, then you can act. In other words, after you investigate the conditions you will have arrived, it seems to me, at a point in your mind which will be the same whether a memorial came from a million people or from one; in other words, you would have arrived at a point where he ought or ought not to be expelled, and you would not be expelling him on my memorial. It would be just as if I filed an information against a man who might have committed a dozen crimes; and if you investigated the matter and found that what I said was true, my memorial would be simply the little instrument that would put the machinery in motion.

The CHAIRMAN. You argue all around the proposition, it seems to me, and finally answer the question by saying no.

Mr. GRACE. I say that personally I do not know, Mr. Chairman, because I really have not looked it up. However, if you would like to have me do it, I would be very glad to look it up for you.

Mr. FREAR. You are not asking for expulsion in your memorial, are you?

Mr. GRACE. I ask if these facts be found to be true (that is the language of my memorial) that you resort to expulsion or whatever other means you find to be just.

The CHAIRMAN. I will put my question to you again. Do you know of any example where the machinery of Congress has been set in operation upon the single memorial of an individual?

Mr. GRACE. Offhand; no, sir; I do not, because, as I say, I have not looked it up. I will say this, however, if you feel like you want a memorial from a large number of people in this matter I can get it for you.

The CHAIRMAN. We have had enough of those.

Mr. GRACE. If you consider that a substantial defect in the matter, I would be very glad to undertake to get that sort of a memorial for you; but, as I told you before, I am only quoting my authority, and my authority is Senator Tillman. I did simply what Senator Tillman told me to do.

Mr. CRISP. I know of one case which occurred, although I am not familiar with the details of it, Mr. Post, but some man filed a protest—he was not a candidate—against Mr. Butler, of Philadelphia, against him holding his seat on the ground of the corrupt use of money, and that he was an unfit and unworthy person to remain in Congress. I was at that time with the Speaker

as parliamentarian, and I talked with Butler of the memorial which was filed. It was referred by the Speaker to one of the election committees, and that committee reported that there was no reason why Mr. Butler should be called upon to answer, and they made a report excluding him, and it was unanimous, I believe. As I said, I do not remember the facts in the case. I just remember the incident where there was a protest, and I would not attempt to say what the charges were.

Mr. FREAR. Was there any opposition?

Mr. CRISP. I couldn't say what transpired in the committee. They just had this memorial which was filed there with the Speaker, and, as I said before, it was referred to an election committee and they made their report. What took place in the committee I do not know, of course.

Mr. GRACE. My idea is that it goes to the eligibility of the Member. Suppose I knew that Mr. Whaley was not an American citizen, and I would bring that matter to the attention of Congress, it would be a matter affecting his eligibility to become a Member of that body.

The CHAIRMAN. That would not be as to his eligibility, but it goes to his qualifications, the example you are citing.

Mr. GRACE. No, sir.

The CHAIRMAN. One of the qualifications of a man in order to become a Member of the House is that he must be an American citizen, a citizen of the United States, and that would go to his qualifications to become a Member and not his eligibility.

Mr. GRACE. And one of the qualifications, I think, is that the law says you shall not spend more than $5,000. The law says if you are not an American citizen you can not become a Member of Congress, and even though you are an American citizen you can not become a Member of Congress if you spend $5,000. To make myself clear, if I draw to the attention of Congress some fact, whether it be a matter of qualification or eligibility, then I have set the wheels in motion, and if you find that to be the fact, it does not seem to me to make any difference whether it comes from one or from one million if it is the fact.

The CHAIRMAN. What do you understand, Mr. Grace, to be the difference between exclusion and expulsion as applied to a Member of Congress?

Mr. GRACE. I should think if a man came here, had taken the oath as a Congressman, had participated in the deliberations of Congress, and his character as a Congressman was never questioned until some fact arose as to whether he could be a Congressman or not, say the question of citizenship, as in the case of Smoot or Roberts——

The CHAIRMAN. Both of them were Senators.

Mr. GRACE. One was a Congressman and the other was a Senator.

The CHAIRMAN. No; I think both were Senators.

Mr. GRACE. That was a case, in my opinion, where Congress had to use its own discretion as to their character. To go back to the other case of qualifications, I say that if a man is found to be disqualified, either by reason of the fact that he is not a citizen or by reason of the fact that he had failed in some of the prerequisities of coming to Congress, while all of his votes are admitted to be perfectly valid votes, and, therefore, he would have been a Member of Congress, but where he had failed in some of his other duties he would be expelled from Congress, and he could not hope to become a Member of Congress or to remain a Member of Congress. I am not prepared to say whether that has ever been done or whether it could be done on the petition of one man.

Mr. STEPHENS. That is all a legal proposition which we could thrash out later, I imagine.

The CHAIRMAN. Have you anything further, Mr. Grace?

Mr. GRACE. I can not think of anything further, your honor.

The CHAIRMAN. Mr. Bryan, do you want to add anything? Do you want to be heard at this time?

Mr. BRYAN. No, sir; not unless the committee has some request to make. I believe you gentlemen understand the question. It is a question of whether or not there is a prima facie case here.

The CHAIRMAN. We will stand adjourned, then, until half past 10 to-morrow morning.

(Thereupon, the committee adjourned.)

CITY OF CHARLESTON, S. C.,
TREASURY DEPARTMENT,
December 13, 1913.

Hon. JOHN P. GRACE, *Mayor.*

DEAR SIR: As requested I have prepared a statement of the amounts received from fines, recorder's court, and forfeitures in liquor cases for the years 1908 to 1913 (to Dec. 13), inclusive, as follows:

1908.	
Fines	$20,282.50
Liquor cases	20,450.00
Total	40,732.50
1909.	
Fines	16,461.45
Liquor cases	17,850.00
Total	34,311.45
1910.	
Fines	19,978.50
Liquor cases	19,750.00
Total	39,728.50
1911.	
Fines	$21,707.00
Liquor cases	26,400.00
Total	48,107.00
1912.	
Fines	27,189.20
Liquor cases	30,900.00
Total	58,089.20
1913 TO DECEMBER 13.	
Fines	25,848.00
Liquor cases	32,700.00
Total	58,548.00

Very truly, yours,

J. O. LEA, *City Treasurer.*

[The News and Courier, Apr. 15, 1913.]

To the voters of the first congressional district:

From the very beginning I made my fight in this contest for congressional honors on the issue of clean and independent politics.

I never sought or desired the support of any political ring or combination. Neither did I hold off the announcement of my candidacy until I could be assured of the support of the bosses, who think that they control the politics of Charleston and who are now trying to lay their hands on the political situation of this congressional district. From time to time during the campaign I published facts for the information of the public, calling attention to civic and political conditions in Charleston, for the sole purpose of giving every voter an opportunity to decide for himself whether he is satisfied with such a state of affairs and whether he is willing to cast his vote to-day for the encouragement of the perpetuation of such conditions. In all my speeches and all my published articles I believe that I have been calm and dispassionate and conducted my campaign on a plane of which no gentleman need be ashamed. Neither in thought, speech, or with pen have I attacked any man's personal character, but exposed records and conditions which are public property and to which the public is entitled to have access.

I honestly and sincerely believe that by reason of my labors for the nomination of President Wilson at the Baltimore convention, which caused me to be thrown in personal contact with President Wilson and Secretary of State William Jennings Bryan, and in close communication with the Secretary of the Treasury, with the chairman of the Democratic national committee, and with the secretary of the same committee, as the published letters from these gentlemen to me clearly show, that I will be in a position to serve this district better than my opponent, who is a stranger to all those who are now in power at Washington.

I am firmly convinced that the majority of the people of this district will register their approval of the manner in which I made my fight, believing also that when elected I will be no man's man and that I will act solely in the common interest of the people of the district and do my best to help place the affairs of the United States on a just and equitable basis as outlined by our great President. But the machine that is fighting me is desperate. On every hand I hear that they are determined to carry the election by any means what-

soever. This, therefore, is my final appeal to my friends and to all the people who desire fair play and an honest election, whether they intend to vote for my opponent or for me, let nothing keep them from the ballot box to-day. Let each one register his opinion by casting his vote for the man whom he thinks will better represent him and the district in the halls of Congress, and after voting I ask that everyone who is interested in the welfare of his community and wishes to rid it of questionable politics remain at the polling place for as long a time as he can spare from his business or occupation to watch the proceedings. None need be afraid of any unpleasantness. The corruptionist is also a moral coward and will not prosecute his nefarious pursuit in the light of day. The presence of honest men will discourage dishonest practices.

With heartfelt appreciation of the encouragements and labors of my sympathizers and coworkers, and with full confidence in the judgment of the good people of the district, I rest my case.

Sincerely,

RICHARD S. WHALEY.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me S. Lewis Simons, who, being duly sworn, says that he resides in the town of Summerville, Dorchester County, and is a citizen and resident voter of said county; that he is the secretary and treasurer of the Simons-Mayrant Co., of Charleston, and was at the time of the primary elections for Congressman for the first district mayor of the town of Summerville. That he has read the printed record in the matter of the charges filed by John P. Grace against the Hon. Richard S. Whaley with Committee on Elections No. 1, wherein the following statement appears in the "Bill of particulars and amended petition" of John P. Grace: "The sum of $6,000 was put in the hands of S. Lewis Simons, O. B. Limehouse, and Walker S. Utsey for distribution in the corruption of voters in Dorchester County by Richard S. Whaley or his agents with his knowledge and consent on or about April 15, 1913, the day of the second primary, and that such money was so used in Dorchester County on the said April 15," and this deponent says that the said statement and the charge therein contained is absolutely false.

Deponent has for years been a personal friend of Congressman Whaley, and was very much interested in his election. That deponent used such influence as he had in his home county and made every effort to bring out the voters and to get as many as possible to support Mr. Whaley, and deponent does not deny that he spent small sums of money for the paying of traveling expenses of persons driving to the residences of various farmers in the county, and to pay men for taking the places of such persons as he employed, and for other similar legitimate purposes, and deponent himself traveled at his own expense on occasions for the same purpose; but deponent positively denies that he ever received any money from Mr. Whaley personally, and denies that he received from anyone money for distribution in the corruption of voters. That Dorchester County is a county composed largely of farmers living in outlying districts, and that Summerville itself is a rambling town, and in order to get voters to the polls it is necessary and legitimate that money should be spent in hiring persons to bring voters to the polls.

S. LEWIS SIMONS.

Sworn to before me this 13th day of December, 1913.

[SEAL.]

NATHANIEL B. BARNWELL,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me Samuel Rittenberg and made oath that he is a resident and voter of the city of Charleston, county and State aforesaid; that he is president and owner of the Carolina Advertising Agency in the city of Charleston; that he is a member of the State legislature from the county of Charleston; that on Tuesday morning, December 9, 1913, deponent saw published in the News and Courier statements purporting to have been made by the Hon. R. S. Whaley before the Election Committee in Washington, D. C., to the effect that H. Leon Larisey had stated to Mr. Whaley that he, the said Larisey, had in his possession documentary evidence that would expose John P. Grace and E. W. Hughes in every ward in Charleston, and stating that the said Larisey had offered him, Whaley, his assistance under certain conditions, because he

felt that Grace, in supporting Hughes, was ungrateful to him, Larisey. Deponent upon seeing said statements in the News and Courier desires in part to corroborate the statement of Mr. Whaley to this effect: That on a Monday morning, after the announcement of E. W. Hughes as a candidate for Congress, deponent was returning to Columbia to attend the legislature, on the train running from Charleston to Columbia known as the Carolina Special, leaving Charleston at 9 o'clock in the morning; that on that train was the said H. Leon Larisey, and in conversation about the congressional campaign with the said Larisey, deponent was advocating Mr. Whaley, and stating that all the candidates for Congress had said that they would be in the second primary with Mr. Whaley, and Larisey himself then said yes, that he would be in the second primary with Whaley. Thereupon deponent and Larisey commenced to talk about Hughes entering the race, and Larisey then complained to deponent about Grace's treatment of him, Larisey, in coming out and supporting Hughes as against him, Larisey, saying that deponent knew what he, Larisey, had done for Grace in the mayoralty campaign. In his talk he was very sore about Grace leaving him, as he expressed it, for Hughes, and then said to deponent that he had in his possession documentary evidence, which, if published, would annihilate Grace politically; and he also in the conversation referred to E. W. Hughes. Deponent predicted that Grace would not come out prominently in support of Hughes, but would nevertheless support him quietly. Larsley replied, "He won't, eh? Wait till after I have made my first speech and poured hot shot into him and he will have to come out." The conversation continued along this line for some time. Just before the train reached Columbia the said Larisey requested of deponent that deponent would see Mr. Whaley and arrange a plan of campaign whereby Larisey and Whaley could work together against Hughes and Grace. Deponent further says that he never mentioned this matter to Mr. Whaley, because he did not approve of that method in politics, and he did not think it was worthy of consideration.

S. RITTENBERG.

Sworn to before me this 13th day of December, A. D. 1913.

[SEAL.] W. RUTLEDGE RIVERS,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me, M. P. Healy, and made oath that his attention has been directed to page 5 of the record of John P. Grace against the Hon. Richard S. Whaley, in which the following appears as a part of the bill of particulars and amended petition of the said John P. Grace, to wit:

"That a large sum to this petitioner unknown, but upon information and belief not less than $5,000, was put in the hands of M. P. Healy for distribution in the corruption of the voters in ward 11, Charleston County, by Richard S. Whaley, or his agents, with his knowledge and consent, on or about April 15, 1913, the day of the second primary, and such money was so used in ward 11, Charleston County, on the said April 15."

That deponent says that said statement is a baseless fabrication, a foul and malicious slander, and having no truth whatsoever in same, and that it is actuated by hatred, and because of the inability of the said John P. Grace to control deponent and his vote as a city alderman. Deponent further says that the statements contained in the affidavit of deponent, as made on December 3, are true and correct; and deponent further believes that Mr. Grace has no information or belief which would justify the statement above quoted. Deponent further says that since M. J. Barry has appeared before the elections committee in Washington, he, the said M. J. Barry, called upon deponent at deponent's house, in the city of Charleston, and he said to me, in conversation, that he, Barry, wanted deponent to see if he couldn't fix it so that he, Barry, could see Whaley; that he, Barry, had been to Washington; that he was out of a job, and that Grace had promised to lend him money to get a wooden leg, and either to see that he got something to do, or to give him something to do, so that he, Barry, could pay Grace back; that he went to see Mayor Grace about the wooden leg, and Grace had said to him, "Barry, you get to hell out of my office; I'm sick and tired of you; I'm sorry, and I wish to Christ I had never had a God damned thing to do with you." And Barry further said to deponent, you know I haven't got a dollar to my name—not even a five-cent piece to buy

tobacco—and said that "Grace knows that; vengeance is sweet, and when an Irishman wants to get vengeance he will go to the limit; but I can't tell you what I want to tell Whaley. I want a private talk with Whaley." Deponent's remarks to him was, "Mike, I'll tell Whaley what you say, but I know he don't want to see you, because this whole thing against him is a damned lie, and I think there will nothing be done in the matter because it is all a damned lie." Deponent, not trusting Barry, did nothing further about the matter, and has never talked to Mr. Whaley about it, except to mention the fact that Barry had been to see deponent, but that no one could trust him, and there was no use to take any notice of the matter.

M. P. HEALY.

Sworn to before me this 12th day of December, 1913.

[SEAL.] M. RUTLEDGE RIVERS,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Dorchester:*

Personally appeared before me, R. S. Long, who, being duly sworn, says that he is a resident and voter of Summerville, S. C.; that he is known as Judge Long; that he has read the statement attached to the affidavit of H. Leon Larisey, as follows: "Judge Long, Summerville, S. C., information as to O. B. Limehouse money and whisky. This message was sent me;" and deponent says that he has no information nor does he know that O. B. Limehouse used money or whisky at the congressional election in April, 1913.

Sworn to before me this 12th day of December, A. D. 1913. R. S. LONG.

[SEAL.] G. M. QUIRECALL,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me F. J. Simmons and made oath that since the 3d day of December, 1913, when he made an affidavit in this matter, there has been called to his attention the record entitled "Charges filed by John P. Grace against Hon. Richard S. Whaley," and page 5 thereof purporting to be a part of the bill of particulars and amended petition of the said John P. Grace in which it is stated: "The sum of $1,900 was put in the hands of Frank Simmons in Richard S. Whaley's office the night before the second primary, to wit, April 14, 1913, for distribution in the corruption of voters in ward 10, Charleston County, and an additional amount of $1,300 on or about April 15 for the same purpose, and was so used," and deponent's attention has also been called to the affidavit or statement of the said John P. Grace on page 6 of said record, in which it is said that one Dan Bean saw the said sum of $1,900 in bills counted out to deponent of which the said Dan Bean got $100, which was paid by R. C. Richardson in the presence of J. M. Poulnot and the said Dan Bean, and deponent says that said statements are absolutely untrue and that he does not believe that the said Dan Bean made any such statement for deponent knows that Dan Bean has stated in his presence and in the presence of others that Mr. Grace tried to make him (the said Dan Bean) testify in accordance with the statements of Mayor Grace, and he (the said Dan Bean) said that he had refused to do so because said statements so desired by Mr. Grace were false; and deponent further says that he repeats and stands by his affidavit as heretofore made on the 3d of December, and any statements made by anybody else contrary to the statements set forth in deponent's affidavit are untrue and false.

F. J. SIMMONS.

Sworn to before me this 12th day of December, 1913.

[SEAL.] M. RUTLEDGE RIVERS,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared Darby L. Sanders, who, being duly sworn, deposes and says: That on and before April 15, 1913, I was a qualified voter in the city of Charleston, S. C.; that about 10 days before the second primary, which was held at Charleston April 15, I went to Capt. J. Elmore Martin's house on in-

structions from Willie Hogan, who told me that if I was not working I could go and tell Capt. Martin, who would give me a job canvassing ward 11 for Whaley; I went to Capt. Martin's house by myself and told him this, and he told me to go ahead and canvass the ward, and he (Capt. Martin) would pay me; this I did. and on Saturday preceding the second primary I went to see Capt. Martin at the courthouse to get my $15, and he told me to come to his house that afternoon and he would pay me; I went to his house at about 4 p. m., and he paid me $15 in three $5 bills inside his front door; that on or about the 10th day of April, 1913, Willie Hogan, August Doscher, J. L. Parrish, and myself, after having formed an independent club, figured out that it would cost Whaley between $250 and $300 to get our club. Willie Hogan was the leader of the club and was supposed to tell Capt. Martin, who was acting for Whaley, about this cost. We went to Capt. Martin's house. He invited us into his dining room, where we sat for about three hours discussing the political situation. Parrish said that the election was going to cost both candidates a pile of money, and Capt. Martin said, "I don't doubt it whatever," and when we were coming out he stopped Willie Hogan in the door and said something to him confidentially, which none of us heard. Willie Hogan then came out on the street and said that Capt. Martin had told him everything would be all right about the money for the independent club. Willie Hogan must have been to see Capt. Martin first, because he told me before we ever went to Capt. Martin's house that Capt. Martin had sent him to see Mike Healy about the money for the club, and Willie said he told Capt. Martin he wouldn't have anything to do with Healy or anyone else excepting Capt. Martin and would work independent; that the Saturday night before the second primary I telephones to Sam Rittenberg, because I had heard he was handling money for Whaley, and told him I had the crowd together and wanted something to drink. He telephoned to Chris Rabens and told him to give us two rounds of drinks, which he did, and he (Rittenberg) would pay for it. On Monday before the second primary, while we were out riding in a carriage that Capt. Martin told us to go to McCallister and get, which Willie Hogan did, I spent $20 of my own money for drinks, and on Tuesday, the day of the primary, about 11 o'clock, Willie Hogan gave me back this $20; that several days before the second primary I went down to the courthouse and saw Capt. Martin, and he gave me $5 for the renting of a hall for the Independent Club; that during the week preceding the second primary on two or three separate occasions Mike Healy gave us $5 at a time to spend for drinks. On Tuesday, April 15, 1913, Willie Hogan asked me if I had seen Capt. Martin. I told him no, and he asked me to telephone him, which I did. Capt. Martin said, "Tell him that I will be up in ward 11 after awhile." He came up in about an hour and a half. I told him Willie Hogan wanted to see him, and he went up St. Philip Street to Bogard Street in his automobile and told me to send Willie Hogan to him, which I did. When Willie Hogan came back from Capt. Martin in his automobile he said everything was all right. During the day of the election I heard that Mark Abney spent $300 with Jack Addison for drinks for Whaley voters. On the day of the first primary I saw Willie Joe Leonard pay old man Churchhill some money in an alley on Spring Street just after he had voted. I heard Mark Abney tell Jim Browning during the week preceding the primary, "I will pay you for what time you lose if you lay off and work for Whaley," and Jim Browning said, "All right."

After the polls were closed on April 15 Willie Hogan, myself, and a crowd of the Independent Club were waiting at the corner of Spring and St. Philip Streets for Capt. Martin to come up and give us the money, as Willie Hogan had said he promised to meet us there. He did not come, so after waiting there until dark we went to the German Artillery Hall, which was Whaley's headquarters that day and night. There he found Capt. Martin. He took Willie Hogan into a private room, where they remained about half an hour. When Willie Hogan came out we all went up town to Chris Rabens. There Willie Hogan and myself went into a private room and Willie Hogan gave me $35 and he said, I am going to give Eugene Belgers and Henry Doscher some money and August Doscher some also. What he gave them I do not know. I don't exactly know how much money Capt. Martin gave Willie Hogan but I suppose he got between $250 and $300, as that was the price we had set on the club.

(Signed) DARBIE L. SANDERS.

(Verified.)

STATE OF SOUTH CAROLINA, *County of Charleston.*

Personally appeared George E. Plough, who, being duly sworn, deposes and says that the first primary for the Democratic nomination for Congressman from the first district of South Carolina was held at Charleston on Tuesday, April 1, 1913; that he was stationed as a policeman in the ward 3 at the polls; that he saw one Thomas Young, wearing a Whaley badge and acting in behalf of Whaley, with a large amount of money, the exact amount to the deponent unknown; that he saw the said Young pay money to more than 10 men in front of the polls in said ward 3 for having voted for Whaley. That the second primary for the aforesaid nomination was held on Tuesday, April 15, 1913; that he was stationed as a policeman before the polls of ward 3; that early in the forenoon, shortly after the polls opened, he saw Richard S. Whaley drive up to the curb on Broad Street near Church where the said polls were located; that he saw one Max Goldman go to the edge of the curb and talk with Whaley; that he saw the said Richard Whaley put his hand in his pocket, pull out a large roll of greenbacks, and hand the same to the said Goldman; that he saw the said Goldman giving out money all day to men who had voted for Whaley; and that he saw the said Goldman pay one Joe Noland $3 (three $1 bills) for having voted for Whaley; that he saw the said Noland vote at least three times at the same poll throughout the day, one time voting in the name of Ivan Larsen.

(Signed) GEO. E. PLOUGH.

(Verified.)

STATE OF SOUTH CAROLINA, *County of Charleston.*

Personally appeared John J. Murphy, who, being duly sworn, deposes and says that for several weeks before the first primary, which was held on Tuesday, April 1, 1913, a hall was run at No. 215 East Bay Street as headquarters for Whaley; that every evening drinks and cigars were dispensed to the followers of Whaley; that the said hall was run by one Ignatius Donahue, who said he was paid $15 a week for so working; that Frank Fosberry as assistant got $7 a week for his work.

(Signed) JOHN J. MURPHY.

(Verified.)

STATE OF SOUTH CAROLINA, *County of Charleston.*

Personally appeared John J. Murphy, who, being duly sworn, deposes and says that he is a qualified voter in the city of Charleston, county and State aforesaid; that the second primary for the Democratic nomination from the first district of South Carolina was held at Charleston on Tuesday, April 15, 1913; that he was a Hughes worker in ward 3 in the said primary; that one Max Goldman brought up one man to the said poll and voted him illegally and fictitiously for Richard S. Whaley, a candidate for the aforesaid nomination; that he called this fact to the attention of William Grimball, a member of the executive committee put in the poll to watch the voting, and the said Grimball, in the presence of Jack Lehman, Joseph Moore, James Farrell, and Max Goldman, admitted the illegality of the vote so cast; that Max Goldman remarked at the time, "I put one over on him."

(Signed) JOHN J. MURPHY.

(Verified.)

STATE OF SOUTH CAROLINA, *County of Charleston.*

Personally appeared before me J. W. Moore, who, being duly sworn, deposed and said that he is and was a resident and qualified elector of the city of Charleston and State aforesaid; that the first primary for Democratic nomination for Congress from the first district of South Carolina was held in Charleston on Tuesday, April 1, 1913, and that Richard S. Whaley was a candidate for the said nomination; that he was stationed as policeman at the polls in ward 3 on the day aforesaid; that he saw one Thomas Young, wearing a Whaley badge and working for Whaley, paying out money to various men who voted; that he saw one Max Goldman bring men up to the polls to vote, and after they had voted go to the said Thomas Young for money; that they gave the money so received to the person who had just voted; that he saw the said Goldman pass money to Frank Fosberry, Thomas Burchfield, jr., and one Perry after they had voted.

That the second primary for the aforesaid nomination was held in Charleston on Tuesday, April 15, 1913; that he was stationed as a policeman at the polls in ward 3, on Broad Street near Church; that shortly after the polls had opened—that is, between 10 and 11 o'clock in the morning—he saw Richard S. Whaley, a candidate, drive up in an automobile to the curb on Broad Street and call one Max Goldman, who was standing nearby, to him. Whaley was alone in the automobile; that he saw the said Whaley put his hand in his pocket and pull therefrom a roll of greenbacks and hand the same to the said Max Goldman; that he saw the said Max Goldman spending money freely around the said polls buying drinks, etc., and that he saw the said Max Goldman pay money to one Frank Fosberry, Thomas Burchfield, jr., and to Joe Nolan; that he saw the said Nolan vote three times at the said precinct, namely, precinct 2, and that the said Nolan was caught attempting to vote illegally under the name of Ivan Larsen, a qualified voter for the said county and State.

(Signed) J. W. Moore.

(Verified.)

State of South Carolina, *County of Charleston.*

Personally appeared John Burns, 18 Shepherd Street, who, being first duly sworn, deposes and says that he is a qualified voter in the city of Charleston, county and State aforesaid; that on Tuesday, April 15, was held in the city of Charleston the second primary for the Democratic nomination for Congress; that Richard S. Whaley was a candidate for the aforesaid nomination; that he, the said John Burns, was around and about the polls of ward 10 all the day aforesaid; that one Dan Bean, wearing a Whaley badge and acting as a representative of the Whaley interests, offered him ten ($10) dollars if he would vote for Whaley, which he refused; that the said Dan Bean had a considerable amount of money with him and spent the same around the polls; that since the election the said Dan Bean has apparently had a lot of money; that one Frank Simons, who lived nearby the said polls, also had a large sum of money in his possession, and during the course of the day a large number of voters after voting went into the house where the said Simons lived and came out with money in their hands in amounts of $5 to $10; that every night for more than a week following the aforesaid day of the primary a number of men congregated the above house of the said Simons and were paid off by him in sums of $5 to $10; this the deponent avers he himself witnessed.

(Signed) J. Burns.

(Verified.)

State of South Carolina, *County of Charleston.*

Personally appeared Benjamin Ruddock, 2 Williams Court, who, being duly sworn, deposes and says that he is a qualified voter in the city of Charleston, county and State aforesaid; that the second primary for the Democratic nomination from the first district of South Carolina for Congressman was held in Charleston on Tuesday, April 15, 1913; that Richard S. Whaley was a candidate for the aforesaid nomination; that he, the deponent, was around and about the polls of ward 10, all of the day above mentioned; that one, Dan Bean, approached him about 9 a. m. on the day aforesaid and offered him $10 if he would vote for Whaley, which he refused; that about two hours later the said Bean approached a second time and offered him $15 if he would vote for Whaley, which he again refused; that the said Bean at each of the times mentioned had a large roll of bills in his hand, judged to be about $200; that one, Frank Simons, occupied a house near the said polls, and that many voters after the voting repaired to the said house, and that, on information and belief, there they were paid from $5 to $10 for having voted for the said Whaley.

(Signed) Benjamin (his x mark) Ruddock.

(Verified.)

State of South Carolina, *Berkeley County.*

Personally appeared before me Waring Scott, who, being duly sworn, says that he is a resident of Berkeley County, S. C., and that he has had read to him a copy of the affidavit and Exhibit A thereto attached of H. Leon Larisey, dated

September 30, 1913, and filed with Election Committee No. 1, House of Representatives, United States, in which the following statements appear:

"Had a mulatto named Waring Scott handling the Brass Ankle set on day of primary, who openly boasted of his having $100 of Whaley's money to buy votes. He will make good witness, so say Grady, Wiggins, and Alfred Mitchum."

"Waring Scott, a negro, handled Whaley money at Bethea poll, with Sam Mitchum, openly paid the Brass Ankle's for their votes and boasted of having $100 to do it with, besides whisky. (A ten strike for a witness at Washington, D. C.)"

And deponent swears that said statement is absolutely untrue and a falsehood and that deponent was not at the Bethea poll at either the first or second primary election.

Deponent further states that he is a white man, and the statement that he is a mulatto or negro is a lie.

That this deponent does not know of any instance where money or whisky was illegally used by either Mr. Whaley or his friends.

WARING (his x mark) SCOTT.

Sworn to before me this 13th day of December, 1913.

[SEAL.] T. W. WILLIAMS,
Clerk of Court, Berkeley County, S. C.

STATE OF SOUTH CAROLINA, *County of Dorchester:*

Personally appeared before me C. C. Scurry, who, being duly sworn, says that he is a resident of Summerville and a qualified voter of Knightsville, S. C.; he is 49 years old, and deponent says that he has been informed that in the exhibits attached to the affidavit of H. Leon Larisey, dated September 30, 1913, and which has been filed with the Congressional Committee No. 1, in which the deponent is charged, so he hears, by the said H. Leon Larisey to have stated that O. B. Limehouse handled money and whisky for Whaley. Deponent further states that he has no knowledge of Mr. Limehouse handling either money or whisky.

C. C. SCURRY.

Sworn to before me this 13th day of December, 1913.

[SEAL.] T. M. FINUCAN,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, *County of Dorchester:*

Personally appeared before me O. B. Limehouse, who, being duly sworn, says that he is a resident and qualified voter of the town of Summerville, county of Dorchester; that he is 35 years old and was born and raised in Dorchester County, where he has large connections and is well known; that he has read the affidavit of H. Leon Larisey dated September 30, 1913, and the exhibits thereto attached, which have been filed with the Congressional Election Committee No. 1, and in which the deponent is charged by the said Larisey with handling large sums of money distributed by Whaley in Dorchester primary through this deponent and Walker S. Utsey and H. H. Gross, and wherein it is further charged that deponent and his father, Bunk Limehouse, would not permit watchers at the polls, and swore that they would run the polls to suit themselves; and wherein it is further stated that deponent handled the bulk of Whaley money and whisky for Dorchester County.

Deponent does not deny that he handled some money in Dorchester County as he had a right to do, but the statements contained in said affidavit and exhibit whereby it is attempted to be made to appear by the said Larisey that deponent was engaged in debauching the electorate, in undertaking to run the polls and was dispensing whisky at the polls, deponent states to be absolutely false and untrue. Deponent also denies that he received any money whatsoever from Mr. Whaley. The county of Dorchester is largely agricultural and most of the voters are farmers and at the time of the year when the primary elections were held most of the voters were busily engaged at their farms, which are in many instances situated some distance from the polling precincts and it is customary and necessary that men and vehicles be hired to bring in the voters

and to incur other similar legitimate expenses. That deponent is and has been for a number of years interested in political affairs in said county and he supported Mr. Whaley for Congress because he believed him to be the best man for the place. The statement that deponent and his "father, Bunk Limehouse," refused to permit watchers at the polls is absolutely untrue. Bunk Limehouse is not the father, but a cousin of the deponent and no effort was made either by deponent or by his cousin, to his knowledge, to keep watchers from the polls. As a matter of fact, the Hughs-Grace faction did have watchers at the polls and during the course of the day these watchers were arrested by the chief of police of Summerville, Mr. T. R. Waring, for having pistols concealed about their person; they had been at the polls up to the time of their arrest and subsequently, before the closing of the polls, were released on bail and returned to the polls before they closed and remained there on duty throughout the counting of the ballots.

O. B. LIMEHOUSE.

Sworn to before me this 12th day of December, 1913.

[SEAL.] T. M. FINUCAN,
Notary Public for South Carolina.

That deponent since writing the above affidavit, has been informed that Mr. Grace has filed in Washington a statement that $6,000 was placed in the hands of deponent and Mr. Lewis Simmons and Mr. Utsey for distribution in the corruption of voters in Dorchester County by Mr. Whaley or his agents in the second primary, and deponent says that if said statement has been made it is absolutely false so far as deponent is concerned, and deponent repeats that he had no funds at all from Mr. Whaley and that the small amount that he used in the election was for legitimate purposes as stated above, and that any statement to the contrary is without foundation in fact.

O. B. LIMEHOUSE.

Sworn to before me this 12th day of December, 1913.

[SEAL.] T. M. FINUCAN,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me, Harry O. Withington, who, being duly sworn, says that he is a resident and voter in the city of Charleston, where he has lived all of his life, except about a year; that he lives at No. 57 Chapel Street, in said city, is 31 years old, and is secretary of Lanneau's Art Store, in said city; that he has read the statement contained in the "bill of particulars and amended petition," filed by John P. Grace with Congressional Election Committee No. 1, wherein the said John P. Grace makes the following charge:

"The sum of $2,700 was put in the hands of Harry O. Withington and J. W. Dunn for distribution in the corruption of voters in ward 7, Charleston County, by R. S. Whaley, or his agents, with his knowledge and consent, on or about April 15, 1913, the day of the second primary, and such money was so used in ward 7, Charleston County, on the said April 15."

And deponent says that the said statement is absolutely untrue. Deponent says that he has never bought a vote or solicited anyone to vote for money or anyone, and that he would do so for no one—Whaley or anyone else. That in the primary elections the club rolls in Charleston are frequently overloaded with fraudulent and fictitious names, and on election day in such campaigns as was waged against Mr. Whaley it becomes necessary to employ watchers and challengers to see that repeaters and fraudulent votes are kept out, and deponent did spend a small sum of money for legitimate campaign purposes, and such money as was spent was spent for the purpose of defeating the nefarious plans of John P. Grace, who has for a number of years been endeavoring, apparently to gain complete control of all city, county, and other political offices.

HARRY O. WITHINGTON.

Sworn to before me this 11th day of December, 1913.

[SEAL.] NATHANIEL B. BARNWELL,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, *County of Dorchester:*

Personally before me appeared I. Max. Minus. who, after being duly sworn, says and deposes as follows: That he is a citizen and registered voter in the county of Dorchester and the State of South Carolina. and is a member of the St. George Democratic Club; that as such member of the said St. George Democratic Club and by such club was authorized and empowered to act as a watcher for E. W. Hughes, a candidate for the United States Congress from the first congressional district of South Carolina, in the primary election to be held on the 15th day of April, A. D. 1913, at the Dorchester Democratic Club voting precinct, in Summerville, in the said county and State; that upon his arrival at the said voting precinct on the said date and immediately upon the opening of the poll of the said club deponent was interfered with by one O. B. Limehouse, who, though not being one of the managers of election at the said voting precinct, was exercising general management and supervision over the said polls and the said managers of election, and that deponent was ordered to leave the premises of the said voting place; that he offered his said credentials to the said managers of election, and that the same were crumpled and tossed out of the window by one of the said managers of election; that the said managers of election were subservient to the orders of the said O. B. Limehouse, who was unduly active and interested in Richard S. Whaley. and that the said managers of election were intimidated in various respects by the said O. B. Limehouse: that voters at the said polls were intimidated and unduly interfered with in casting their ballots by the said O. B. Limehouse in the following respects, viz: That the said O. B. Limehouse had in his possession what purported to be a list of the voters of the said club, which he publicly exhibited and freely employed in the conduct of the said election; that he would inform the said managers of election whether or not voters which he presented at the said voting precinct in groups of two, three, and four appeared on the said list. and whether or not the names of the voters appeared on the list of the said managers the said O. B. Limehouse directed that the voters be allowed to vote. and the said managers took the said direction and allowed said persons to so vote, and without also causing them to be sworn; that the said O. B. Limehouse had opened in the immediate vicinity of the said voting precinct a restaurant, into which, from time to time, he would cause those intending to vote to resort, and here they were refreshed; that whisky was plentifully in evidence, and immediately upon the closing of the polls the said O. B. Limehouse opened in the said voting precinct a case of whisky and invited the crowd to drink freely.

That within an hour after the opening of the said voting precinct the deponent, together with Joseph H. Howell, who was also a watcher for E. W. Hughes at the said polls, were caused to be arrested, without cause or justification, and taken from the said voting place and incarcerated in the jail of the town of Summerville, S. C., and there refused bail for the period of three hours; that immediately upon their release from such incarceration they repaired to the said polls and were there met and approached by the said O. B. Limehouse and offered the sum of $150 if they would drop the matter and have nothing more to say about it; that from time to time the deponent was insulted and humiliated by the said O. B. Limehouse; that the said O. B. Limehouse in the respects indicated intimidated the managers of election and voters. and in such way interfered with and influenced votes at the said primary election at the said voting precinct.

I. MAX MINUS.

Subscribed and sworn to before me this the 10th day of May, 1913.

[SEAL.] R. LON WEEKS,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Dorchester:*

Personally before me appeared Joseph H. Howell, who, after being sworn. says and deposes as follows:

First. That he is a citizen and registered voter in the county of Dorchester and the State of South Carolina.

Second. That as such citizen and registered voter in the county and State aforesaid he was authorized and directed by the St. George Democratic Club, of St. George, S. C., to appear at the Dorchester Democratic Club at its voting precinct at Summerville, S. C., on the 15th day of April, A. D. 1913. at the primary election then and there to be held, where candidates, to wit, Richard S.

Whaley and E. W. Hughes were to be voted for as Congressman for the first congressional district of South Carolina, and act as a watcher for E. W. Hughes, one of the said candidates.

Third. That upon his arrival at the said voting precinct, and prior to the opening of the said polls; deponent was interfered with by one O. B. Limehouse, who, apparently, though not being a manager of election, was exercising general supervision over said polls; that immediately upon the opening of the said polls deponent was ordered out of the place of voting by the said O. B. Limehouse; deponent offered to and laid before the managers of election at said poll his credentials as said watcher for the said E. W. Hughes, and the said O. B. Limehouse thereupon took the said credentials and in a violent and insulting manner threw the same upon the floor, and that the said managers of election were intimidated in various respects by the said O. B. Limehouse and at all times seemed to be thoroughly subservient to the orders of the said O. B. Limehouse, who was unduly interested and acting in the candidacy of Richard S. Whaley.

Fourth. That the said O. B. Limehouse exercised control of the said managers of election and the said polls, intimidated voters, and unduly interfered with voters in the following respects, viz, that he, the said O. B. Limehouse, had in his possession, and which he publicly exhibited and freely used and employed, an alleged list of the voters of the said precinct, from which he would inform managers whether or not voters who were presented by him were registered or not, and whether or not the names of voters appeared upon the poll list of the managers of election (and the names of voters were infrequently sought for on said managers' list); the said O. B. Limehouse would call the names from his list and direct the voters to vote, whereupon they were permitted to vote, and without first being sworn; that the said O. B. Limehouse would march the said voters to the polls in groups of two, three, and four, and there call their names from the list which he had in his possession as aforesaid and there direct them to vote and that they would be permitted to vote; that the said O. B. Limehouse had opened up and operated close by the said voting precinct a lunch place or restaurant where, from time to time, he would invite voters to resort; that liquor was generally in evidence, and at the close of the polls the said O. B. Limehouse publicly and upon the premises of the said voting place opened up a case of whisky and invited the crowd to drink, which they generally did.

Fifth. That within an hour or two after the opening of the said polls the deponent, together with I. Max Minus, who was also a watcher in the interest of the said E. W. Hughes from the said St. George Democratic Club at the said Dorchester Democratic Club polls, were arrested by a policeman of the said town of Summerville, S. C., without warrant or due process, though they were quiet and orderly, and incarcerated in jail in the said town; that they were refused bail by the mayor of the said town for at least three hours and that for this period of time they remained incarcerated in the said jail; that at the expiration of said time the deponent, together with the said I. Max Minus, were released from the said jail, whereupon they returned to the said voting precinct; that upon their return to the said voting precinct they were approached by the said O. B. Limehouse and by him offered the sum of $150 if deponent and the said I. Max Minus did not take any further steps in the matter, which offer of payment of the said sum of money was promptly refused by the deponent and the said I. Max Minus.

J. H. HOWELL.

Sworn to before me this the 10th day of May, A. D. 1913.

[SEAL.] R. LON WEEKS.
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared before me H. Leon Larisey, who, being duly sworn, deposes and says as follows: That he has read the affidavit of D. B. Peurifoy, published on page 98 of the record in the case of Grace *v.* Whaley, now pending before Committee on Elections No. 1, United States Congress, and has read the statement of the said D. B. Peurifoy to the effect that he "has represented him in two cases and the said Larisey has never paid him for his services"; that deponent appends hereto a letter, dated May 22, 1912, from himself to Peurifoy Bros., of which firm the said D. B. Peurifoy was at that time a member, in

which it appears that he did pay to the said Peurifoy Bros. the sum of $50 for the first case in which the said firm of attorneys represented him, and $10 on account of the said case, together with giving his note for $30 and some cents, the said letter requesting the return of papers in this proceeding. Also, a letter from Peurifoy Bros. in reply to the above-mentioned letter under date of May 25, 1912, in which the said Peurifoy Bros. admit that deponent was correct in his statements, returning the papers to this deponent. This letter I attach hereto and make a part of this affidavit.

H. LEON LARISEY.

Sworn to and subscribed before me this 13th day of December, 1913.

[SEAL.] W. TURNERSLOGAN,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *County of Charleston:*

Personally appeared Samuel D. Barshay, who, being duly sworn, made oath that he has read the affidavit of G. E. Heape, dated the 20th of November, 1913, and sworn to before William H. Grimball, a notary public, in which the said G. E. Heape denied the conversation related in deponent's affidavit to Mr. Grace under date of the 29th of September, 1913; that the said G. E. Heape had offered him $300 for the use of his upstairs as headquarters for R. S. Whaley, and that the said G. E. Heape had given him a check for $16 for drinks bought in his place on behalf of Mr. Whaley, said check having been signed "G. E. Heape (R. S. W.)."

The deponent reiterates and repeats that the said conversation did take place between him and the said Heape, and, further, that when he did refuse, the said Heape offered him $500 for the use of his place for the purpose of headquarters for Mr. Whaley. Deponent also repeats and reiterates that the said G. E. Heape did give him the said check for $16, signed as described, and herewith attaches and makes a part of this affidavit the aforesaid check. This deponent would never have cashed the said check on G. E. Heape's own signature, but it was only because of the additional initials on the check that the same was accepted. And, further, that Theo. Berkman drew the check in his presence and the said G. E. Heape signed the same, as will appear upon more particular reference to the check itself.

The deponent further states that this affidavit is voluntarily given, without any coercion, force, or promise of reward from anyone whomsoever.

SAM. D. BARSHAY.

Sworn to and subscribed before me this 13th day of December, 1913.

[SEAL.] JOHN I. COSGROVE,
Notary Public, South Carolina.

CITIZENS BANK.
Charleston, S. C., Apr. 12th, 1913.

Pay to the order of Sam D. Barshay, $16. Sixteen & 00/100 dollars.

G. E. HEAPE,
W. S. R..

○

LIBRARY OF CONGRESS
0 012 331 710 5